

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-19005-2021 (O&M)

Date of Decision: February 02, 2022

Shailesh Mehta

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. S.K. Malik, Advocate
for the petitioner.

Mr. Kiran Pal Singh, A.A.G., Haryana.

Mr. Gurmeet Singh Saini, Advocate
for the applicant.

LISA GILL, J. (Oral)

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

CM-16304-2021

Learned counsel for the applicant seeks to withdraw this application.

Application is dismissed as withdrawn.

CWP-19005-2021

Petitioner, who was working on the post of PGT English, joined service on 20.02.2019 at Government Senior Secondary School, Dhand, District Fatehabad. Petitioner was thereafter transferred to Government

Model Sanskriti Senior Secondary School, Bhattu Kalan, District Fatehabad, where he joined on 24.08.2019. FIR No. 74 dated 08.03.2021 was registered against the petitioner under Sections 323, 354, 354-A, 354-B, 506, 324, 379-B IPC at Police Station Adampur.

Learned counsel for the petitioner submits that the petitioner in order to avail his legal remedy, remained absent from duty from 09.03.2021 till 02.08.2021. Petitioner, it is stated, was afforded interim bail on 23.07.2021. Pursuant thereto, petitioner approached the respondent-School with an application seeking permission to join duty on 03.08.2021. Petitioner, it is submitted, was not allowed to join duty and the Principal forwarded the matter to the Block Education Officer, Bhattu Kalan for seeking instructions who further sent the matter to the District Education Officer. The matter was then sent to the Director Secondary Education, Haryana, seeking instructions. No decision, it is stated, was being taken, therefore, present writ petition was filed.

Written statement has been filed on behalf of respondents no.1 to 5, wherein it is stated that petitioner has been placed under suspension vide order dated 03.11.2021, passed by the Additional Chief Secretary to Government of Haryana, School Education Department, Chandigarh (Annexure R-2).

Learned counsel for the State submits that in view of the petitioner being placed under suspension, present petition seeking a direction to the respondent to allow the petitioner to join at his post is rendered infructuous.

At this stage, learned counsel for the petitioner submits that subsistence allowance has not been released to the petitioner.

Be that as it may, keeping in view the facts and circumstances as above, no further orders are called for in the present writ petition. Needless to say, petitioner, if so advised, is at liberty to challenge order dated 03.11.2021.

Subsistence allowance as per Rule 5(8) of the Haryana Civil Services (Punishment & Appeal) Rules, 2016 be released to the petitioner in accordance with law.

This writ petition is accordingly disposed of.

02.02.2022

Sunil

**(LISA GILL)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No