

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

118

**CWP-29006-2022
Date of decision: 16.12.2022**

SADHU RAM

.....Petitioner

VERSUS

THE STATE OF HARYANA THROUGH ITS ADMINISTRATIVE
SECRETARY SCHOOL EDUCATION DEPARTMENT AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Surender S. Dhull, Advocate
for the petitioner.

Mr. Vivek Saini, AAG, Haryana
for respondents No.1 & 2.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondent No.1 –Administrative Secretary, School Education Department, Govt. of Haryana to decide the legal notice dated 12.09.2022 (Annexure P-4).

Learned counsel appearing on behalf of the petitioner contends that the petitioner filed a complaint in the CM Grievance Redressal Portal vide Registration No.CMOFF/N/2016/036952 on 09.06.2016 against respondent No.3-Anil Sharma, Principal in the Haryana Government School Education Department, alleging that respondent No.3 had

misappropriated/embezzled the government funds. Pursuant to the aforesaid complaint, a charge-sheet was issued against respondent No.3-Anil Sharma, Principal under Rule 7 of HCS (P&A) Rule, 2016 vide order No.5/184-2016 HRG-1(1) dated 28.10.2017. Furthermore, that on 14.02.2020 the competent authority found respondent No.3-Anil Sharma, Principal guilty of the charges levelled against him, and had inflicted punishment of stoppage of pensionary benefits @ 25%. The Chief Minister office directed the respondent No.1 to recover the amount embezzled amount i.e. Rs. 19,82,750 and Rs. 1,45,500/- from the respondent No.3. Further, no suit for recovery has been filed by the department to recover the amount embezzled/misappropriated by respondent No.3 till date.

It is contended that the petitioner has been sent a legal notice dated 12.09.2022 to respondent No.1 seeking status report of action taken till date against the respondent No.3.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.1-Administrative Secretary, School Education Department, Govt. of Haryana is directed to look into the Legal Notice dated 12.09.2022 and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion restricted only to respondents No.1 & 2 at this stage.

Mr. Vivek Saini, AAG, Haryana appears and accepts notice on behalf of respondents No.1 & 2 and has no objection in the event such prayer of the petitioner as aforesaid is accepted.

Accordingly, the present petition is disposed of with consent and without commenting on the merits of the case, with a direction to the

respondent No.1-Administrative Secretary, School Education Department, Govt. of Haryana to examine the grievance espoused by the petitioner in the Legal Notice dated 12.09.2022 and to pass a reasoned and speaking order thereupon within a period of 04 months of the receipt of certified copy of this order after affording an opportunity of hearing to the respective parties.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 16, 2022

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No