

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114)

CWP-23107-2023

Date of Decision : October 12, 2023

Jai Gopal Verma

.. Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Pankaj Middha, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 07.09.2022 (Annexure P-2) by which, the petitioner was suspended from duty in connection with FIR No.18 dated 02.09.2022.

2. Learned counsel for the petitioner argues that as per the Rules governing the service, keeping an employee under suspension is to be reconsidered after every six months and the respondents are required to pass a fresh order either for continuance of the suspension period or to enhance the subsistence allowance which order has not been passed by the respondents.

3. Learned counsel for the petitioner submits that a similarly situated employee of the Department, who is also an accused in the same FIR and was also suspended but his suspension order has been withdrawn

whereas, no order qua the petitioner has been passed, which is discriminatory in nature, hence, the respondents are under an obligation to reconsider the continuance of the petitioner in service keeping in view the facts and circumstances mentioned therein.

4. Learned counsel for the petitioner further submits that the grievance which has been raised in the present petition has also been raised in the legal notice dated 03.07.2023 (Annexure P-5) which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage in case a time bound direction is issued to the respondents to decide the said legal notice by passing an appropriate speaking order.

5. Notice of motion.

6. Mr. Pankaj Middha, learned Additional Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

7. Learned counsel for the respondents submits that in case, the legal notice dated 03.07.2023 (Annexure P-5) has not been decided so far, the same will be decided by the respondents within a period of four weeks of the receipt of copy of this order.

8. Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, no further grievance of the petitioner survives in the present petition and the same may kindly be disposed of having been not pressed any further.

9. Ordered accordingly.

October 12, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No