

CWP No. 25766 of 2023

2023:PHHC:154326

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CWP No. 25766 of 2023

Date of Decision : 04.12.2023

Jai Gopal Verma

...Petitioner

Versus

The 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, Additional Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 07.09.2022 (Annexure P-2) by which, the petitioner has been suspended by respondent No. 1.

2. It may be noticed that the order impugned has been passed keeping in view the direction issued by this Court while passing order in CWP No. 23107 of 2023 titled as ***Jai Gopal Verma Vs. The State of Haryana and another***, decided on 12.10.2023, wherein direction was given to the State to decide the legal notice dated 03.07.2023 filed by the petitioner raising a claim that the suspension order is bad, especially when a similarly situated employee, namely, Ishwender Gulia involved in the same controversy, has already been reinstated in service.

3. Learned counsel for the petitioner argues that the question of discrimination qua Sh. Ishwender Gulia has not at all been dealt with though the said plea has already been raised in paragraph 5 of the legal notice, which is clear from page 42 of the paper book, hence, without discussing all the issues raised in the legal notice, the prayer of the petitioner has been dealt with qua the suspension/reinstatement period, which is contrary to the direction given by this Court.

4. Notice of motion.

5. On the asking of the Court, Mr. Pankaj Middha, learned Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

6. Learned counsel for the respondents, on instructions from Paramjit Singh, Clerk, Department of Fisheries, submits that though the speaking order has been passed keeping in view the direction given by this Court but concedes the factum that in paragraph 5 of the legal notice, the question of discrimination qua Sh. Ishwender Gulia has been raised qua reinstatement of Sh. Ishwender Gulia in service. Learned counsel submits that the appropriate fresh order can be passed.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. The present petition can be decided without filing the reply keeping in view the fact that it is amply clear from the pleadings itself that the question of discrimination being raised by the petitioner in respect of reinstatement of Sh. Ishwender Gulia has not been decided by

the respondents while passing the impugned order, though the same was to be decided once a direction has been issued by this Court to decide the claim of the petitioner as raised in the legal notice dated 03.07.2023.

9. Keeping in view the above, the impugned order dated 07.09.2022 (Annexure P-2) is set-aside with liberty to the respondents to pass a fresh order on the legal notice dated 03.07.2023 (Annexure P-6) by taking into consideration the plea of discrimination qua the reinstatement of Sh. Ishwender Gulia, who is also involved in the same incident and has been reinstated in service. Let the fresh order be passed within a period of eight weeks from the receipt of copy of this order.

10. Petition is disposed of in above terms.

December 04th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No