

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

(111)

CWP-1922-2024

Date of Decision : January 31, 2024

Sadhu Ram

.. Petitioner

Versus

The Government to Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mahavir Singh Sharma, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the claim of the petitioner is that vide impugned order dated 01.01.2024 (Annexure P-1), one increment of the petitioner has been stopped and the suspension period of the petitioner from 09.03.2021 to 20.04.2022 has been treated as a leave of kind due, which is totally arbitrary and illegal and the petitioner has already filed a representation before the authorities concerned that once the petitioner was given the suspension allowance, the said period cannot be treated as a leave of kind due.

2. Learned counsel for the petitioner submits that even the pensionary benefits which were admissible to the petitioner after retirement, have not been released to him due to the pendency of the present proceedings and as the present proceedings have already attained finality, the respondents are under an obligation to release the same in a time bound manner.

3. Notice of motion.

4. Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

5. Learned counsel for the respondents submits that keeping in view the representation filed by the petitioner, the order dated 01.01.2024 (Annexure P-1) has already been amended vide order dated 16.01.2024 to mean that the petitioner will not be paid anything over and above subsistence allowance already paid to him keeping in view the fact that he has already been held guilty in the departmental proceedings and the punishment has been imposed on the petitioner hence, the grievance that the suspension period from 09.03.2021 to 20.04.2022 has been treated as leave of kind due has already been redressed by the respondents while passing order dated 16.01.2024.

6. Learned counsel for the respondents further submits that the claim of the petitioner for the release of the pensionary benefits will be considered and appropriate order will be passed within a period of eight weeks as the disciplinary proceedings have already concluded on 01.01.2024 and whatever the petitioner is entitled for, will be released within a period of eight weeks from the receipt of copy of this order, if not already released.

7. Learned counsel for the petitioner submits that keeping in view the statement of learned counsel for the respondents, the present writ petition may kindly be disposed of having been not pressed any further.

8. Ordered accordingly.

January 31, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No