

Malkiat Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Shakti Mehta, Advocate for the petitioner.

AMAN CHAUDHARY. J.

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the suspension order dated 04.01.2023 (Annexure P2) passed by respondent No.2.
2. Learned counsel would submit that the petitioner was suspended vide order dated 04.01.2023 (Annexure P2) and was paid 50% salary. As per Rule 7.2 Vol.-I Part-1 of the Punjab Civil Services Rules, after 6 months, the petitioner would get entitle to subsistence allowance, which may be increased by a suitable amount not exceeding 50% of the subsistence allowance admissible during the period of the first six months. He relies on the judgment passed by this Court in **Rajinder Parshad vs. PO Labour Court, UT Chandigarh and others, CWP-6368-2001.** The petitioner was suspended on account of registration of FIR No.0273 dated 25.12.2022 which has since now been compromised and the petition seeking quashing of said FIR by way of compromise has also been filed before this Court. He further submits that now after 14 months, a chargesheet has been issued on 06.02.2024 when the legal notice dated 25.01.2024 was served upon the respondents, which has yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to the respondents to decide the same in

a time bound manner by granting him an opportunity of hearing.

3. Notice of motion.
4. At the asking of the Court, Mr. Gagneshwar Walia, Addl. AG, Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.
5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider the legal notice dated 25.01.2024, Annexure P-4 and decide the same within a period of 2 months and if found entitled, necessary benefits be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioners.

(AMAN CHAUDHARY)
JUDGE

20.02.2024
ashok

Whether speaking/reasoned

Whether reportable

: Yes / No

: Yes / No