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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14368-2023 (O&M)

Date of Decision: 05.01.2024

Anil Kumar

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Samridhi Chhabra, Advocate for
Ms. Rahish Pahwa Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ, order or direction in the nature of Certiorari for setting aside order dated 22.06.2022 (Annexure P-3) passed by respondent No.4.
2. It has been submitted by the learned counsel for the petitioner that vide impugned order Annexure P-3, the petitioner has been denied the benefit of the remaining part of the salary since he was paid only subsistence allowance at the time when he was placed under suspension but thereafter the petitioner was exonerated in the departmental proceedings and he was also acquitted from all the criminal cases. She submitted that despite the aforesaid factual position the petitioner has been deprived of the financial benefits as aforesaid. She also submitted that against the aforesaid order

Annexure P-3, the petitioner had filed a statutory appeal before the Chief Administrator, Urban Local Bodies Department, Haryana under the prescribed rules which was filed on 10.08.2022 but till date neither action has been taken nor the aforesaid appeal has been decided.

3. At this stage, Mr. Samarth Sagar, learned Additional Advocate General, Haryana has submitted that in case any such statutory appeal or any representation is pending before any authority of the State of Haryana, then the same shall be considered and decided in accordance with law within any time frame work which can be fixed by this Court and the State has no objection with regard to the same.

4. After hearing the learned counsel for the parties, this Court is of the view that since the learned counsel for the petitioner has so stated that her appeal is pending before an authority vide Annexure P-4, it will be in the interest of justice to direct the aforesaid authority i.e. the Chief Administrator, Urban Local Bodies Department, Haryana or any other authority which is competent to decide the appeal/representation within a period of three months from today and strictly in accordance with law. It is made clear that in case such an appeal is not a statutory appeal, then the same shall be considered as a representation and shall be decided in that direction.

5. The present petition is disposed of accordingly.

05.01.2024

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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