

**CWP-7800-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(115)****CWP-7800-2025****Date of Decision : March 20, 2025****Varun Jain****.. Petitioner****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Manu K. Bhandari, Advocate, and
Mr. Arjun Sawhni, Advocate, for the petitioner.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the prayer of the petitioner is for quashing the charge-sheet dated 29.11.2023 (Annexure P-2) and 28.05.2024 (Annexure P-23) and consequential proceedings arising therefrom and the release of salary from January 2024 till date along with interest @ 18% per annum.

2. Learned counsel for the petitioner submits that the petitioner is mentally upset and even as per the report of the Medical Board dated 30.01.2025 (Annexure P-38), the petitioner is not well and needs treatment for the illness and is not fit to join duty.

3. Learned counsel for the petitioner further submits that 55% of the disability certificate has already been issued to the petitioner by the Civil Surgeon, Patiala which has been confirmed by the Medical Board



hence, the grievance of the petitioner is that not only his salary is being withheld but even the charge-sheets dated 29.11.2023 and 28.05.2024 (Annexure P-2 and P-23) are being issued to him and the petitioner is not in a position to perform his duties due to his mental health.

4. Learned counsel for the petitioner further submits that appropriate direction needs to be given to the respondents to not only release the pending salary along with interest @ 18% per annum of the petitioner but also keep in abeyance the disciplinary proceedings till the petitioner become fit.

5. Notice of motion.

6. Mr. T.P.S. Chawla, learned Sr. DAG, Punjab, who is present in the Court, accepts notice on behalf of the respondents.

7. Learned counsel for the respondents submits that the claim of the petitioner will be considered in accordance with law qua the release of the pending salary and also qua the request of the petitioner to keep the disciplinary proceedings in abeyance keeping in view his mental health by taking into consideration the recommendations of the Medical Board dated 30.01.2025 (Annexure P-38) and appropriate order will be passed within a period of four weeks from the date of receipt of copy of this order.

8. Learned counsel for the respondents further submits that the provisions of the Rights of Person with Disabilities Act, 2016 Act (hereinafter referred as '2016 Act') will also be kept in mind as to whether, a person who is suffering from disability including the mental disability and is not able to perform his duties of the post on which he/she is working, appropriate decision will be taken with regard to the release of the salary and for keeping the disciplinary proceedings in abeyance.

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9. Keeping in view the statement of learned counsel for the respondents, the present writ petition is disposed of with a direction that the appropriate order on the claim of the petitioner will be passed by the competent authority with regard to the release of his salary as well as keeping the disciplinary proceedings in abeyance, within a period of four weeks from the date of receipt of copy of this order. The 2016 Act be kept in mind while deciding the aforementioned issue. Till the decision is taken, the respondents are directed not to give effect the charge-sheets which have been issued to the petitioner.

March 20, 2025*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No