

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

101

COCP No. 3180 of 2014

DATE OF DECISION: May 20, 2015

Ram Kanwar

.....Petitioner

VERSUS

Smt. Surina Rajan, IAS and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ram Niwas Sharma, Advocate,
for the petitioner.

Mr. Sushil Gautam, Deputy Advocate General, Haryana,
for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Counsel for the petitioner submits that the petitioner has not been granted the arrears from the date of his regularization i.e. 27.01.1999 till the date of his superannuation i.e. 31.01.2010.

Counsel for the respondents, on the other hand, submits that in the regularization order dated 03.08.2011, there was a condition that the petitioner would not be entitled to arrears for the said period.

Counsel for the petitioner states that the said aspect has been challenged by the petitioner in CWP No. 1910 of 2013 titled as Ram Kanwar vs. State of Haryana and others but at the time of disposal of the writ petition, the Court had given liberty to the petitioner to make a representation to the competent authority with regard to the claim of the

petitioner, which he was entitled to but has not been granted. Accordingly, the petitioner has submitted a representation dated 05.08.2014 to the Director, Elementary Education, Haryana, which has not been decided till date.

Keeping in view the facts and circumstances of the present case, it appears that the petitioner need to be granted the liberty to challenge the denial of his arrears vide order dated 03.08.2011 regularizing his services w.e.f. 27.01.1999. Although he had earlier also challenged the said order but since there has been no decision on the said aspect by the Court, he may either file a fresh writ petition or move an appropriate application in the earlier writ petition, if the said order has been challenged on the plea of non-release of arrears.

Disposed of with above observations.

May 20, 2015
pj

(AUGUSTINE GEORGE MASIH)
JUDGE