

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

**CWP No.10792 of 2013
Date of decision : 03.07.2015**

Randhir Singh

..... Petitioner

versus

State of Haryana and Ors.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Kartar Singh Malik, Advocate for the petitioner.
Ms. Shruti Goyal, AAG, Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

Petitioner was admittedly carrying disability to the extent of 75% on account of paralysis and was supposed to retire on 31.7.2012. As per the extant Policy, such a person suffering from the disability as stated was entitled for extension of service for two years from 58 to 60 years. Having not got the necessary relief, the petitioner has preferred the instant writ petition under Article 226 of the Constitution.

It is stated that the petitioner had earlier filed a writ petition bearing CWP No.2619 of 2012, which was disposed of vide order dated 07.01.2013 passed by this Court thereby directing the respondents to

consider the claim of the petitioner. Consequent thereto, the petitioner was allowed to join w.e.f 06.04.2013 (P.12). Petitioner thereafter claimed that he should be granted the salary and allowances for the period, he was not permitted to work, however, the request was declined and the salary and allowances were granted to him only from the date, when he actually joined. It is this action, which has been challenged.

In the written statement, it has been stated that as per the Instructions, it was incumbent upon the petitioner to have submitted his papers at least one year prior to his date on which he was to retire but in the present case, the petitioner made the prayer only one and half months prior to his retirement, therefore, the respondents are not liable to pay him the salary and allowances from the date he was relieved till the date he actually joined back.

Learned counsel for the petitioner states that even though there was some delay in the submission of the claim by the petitioner, from the perusal of the facts in the writ petition, the respondent-State has also acted in a most arbitrary manner because it was not that the respondent-State did not know about the medical condition of the petitioner. Even if the petitioner had applied late, yet the claim of the petitioner was not even considered and it was only after a direction was issued by this Court to consider the claim of the petitioner within four weeks that the claim was considered, that too in about 11 weeks.

The issue now is whether the stipulation of one year prior notice would render the respondents completely indemnified from making the payment and on the other side of the coin, whether the delay on the part of the petitioner would completely disentitle the petitioner from the wages.

In the facts and circumstances, the ends of justice would be met if the respondents are directed to release to the petitioner half wages and allowances for the period from 01.8.2012 till the date of his actual joining. This would settle the equities of the case.

Let the necessary amount be worked out and the same be paid to the petitioner within two months from the date of certified copy of this order, failing which the petitioner would be entitled to claim the same with interest accrued thereupon at the rate of 8% per annum w.e.f 01.01.2013 till the date of payment.

With the aforesaid observation, petition stands disposed of.

July 03, 2015
manoj

(AJAY TEWARI)
JUDGE