IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13317 of 2015
Date of decision: 07.07.2015

Navmoon Singh Mann

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. RK Arora, Advocate for the petitioner.

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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?

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ARUN PALLI J. (Oral)

A writ in the nature of mandamus is prayed for, so as to direct the respondents to release the salary of the petitioner w.e.f. 20.02.2014 to 20.05.2015 along with interest. The petitioner was initially appointed as Medical Officer in the Department of Heath & Family Welfare, Punjab, pursuant to an appointment order dated 04.07.2012 in PCMS-1 (State Group A Service). He availed Ex-India leave from 03.06.2013 to 03.08.2013 and he was required to resume duty on 04.08.2013. Concededly, the petitioner did not join on the designated date and overstayed upto 19.02.2014. As a result, his period of overstay from 04.08.2013 to 19.02.2014, was treated as dies-non and his probation period was extended by a year. It is maintained that he worked from 20.02.2014 to 20.05.2015 at PHC, Harike Kalan, District Sri Mukatsar

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Sahib. He applied for leave without pay from 22.09.2014 to 05.02.2015 for completion of his studies. However, the same was rejected vide letter dated 08.12.2014. And vide order dated 24.12.2014, during the period of probation, services of the petitioner were terminated. As the said order was never questioned, the same had attained finality. The limited grievance that has been expressed in the petition in hand is that petitioner has not been paid salary for the period he served the department i.e. from 20.02.2014 to 20.05.2014. So much so, prior to the institution of this petition, petitioner purports to have represented the respondents in this regard vide representation dated 23.09.2014 (Annexure P3) followed by another representation dated 24.06.2015 (Annexure P4). But to no avail.

Learned counsel for the petitioner submits that let this petition, at this stage, be disposed of only with a direction to respondent No.1, to consider and decide his representations (Annexures P3 & P4), within a specified time.

That being so, and without expressing any opinion on merit, this petition is disposed of with a direction to respondent No.1, to consider and decide the claim of the petitioner, as set out in his representations dated 23.09.2014 (Annexure P3) and dated 24.06.2015 (Annexure P4), strictly in accordance with the law, within a period of two months from the receipt of certified copy of this order. Needless to assert, a

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comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

(Arun Palli)
Judge

July 7 2015
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