

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**CWP No.19025 OF 2014 (O&M)**  
**Date of Decision: January 27, 2015**

Man Mohan Garg

...Petitioner

Versus

The Chairman-cum-Managing Director and others

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: - Mr.Ashok K.Sharma Bhana, Advocate  
for the petitioner.

**HARINDER SINGH SIDHU, J.**

**CM-14426-CWP-2014 :**

Application is allowed. The documents Annexures P-9 to P-16 are taken on record.

**CWP-19025-2014 (O&M):**

The petitioner is working as Senior Branch Manager in the respondent – National Insurance Company. Vide order dated 20.10.2006 (Annexure P-1), he was transferred from Bhiwani to Ambala. Pursuant to the said order, the petitioner was relieved from Bhiwani on 17.1.2007. Instead of joining at Ambala, the petitioner made repeated requests to the respondents for transferring him to Hissar, Rohtak or Sirsa. He remained absent from duty and joined only on 6.11.2007 at Hisar.

In the meantime, he was issued charge-sheet regarding disobedience of the order of transfer from Bhiwani to Ambala and for remaining absent from duty from 1.1.2007 to 5.11.2007. After conducting enquiry he was awarded punishment of 'reduction of basic pay by one increment'.

As the salary of the petitioner for the period from 1.2.2007 to 5.11.2007 was not released, he filed CWP No.21828 of 2013, which was disposed of with a direction to the respondent to decide his representation, made in this regard, within three months of the receipt of a certified copy of that order. Consequently, the respondents released the salary of the petitioner.

Thereafter, he filed another CWP No.9106 of 2014 praying for grant of interest on the delayed payment of salary, which was disposed of on 13.5.2014 with a direction to the respondents to dispose of his representation expeditiously. Pursuant to the said directions, the respondents have passed order dated 15.7.2014 (Annexure P-7), relevant part of which reads as under:-

*"That in pursuance of the order of Hon'ble Mr.Justice Ajay Tewari in the CWP No.21828 of 2013, directing the respondents to dispose of your representation Annexure P-18 of writ petition within a period of three months, the representation was placed before the CRM. Despite you having been given a penalty for your unauthorised absence from duty from 02.01.2007 to 05.11.2007 by Disciplinary Authority, the Chief Regional Manager took a lenient view and ordered to adjust your unauthorised*

*absence from duty without your submitting of proper application without supporting certificates for Sick Leave. The absence from duty for the said period was considered against your outstanding Sick Leave and Earned Leave and accordingly ordered to release the salary of the said period which is duly received by you.*

*3. Since you were found guilty by the Disciplinary Authority for remaining absent from duty at the place of your posting and have been given penalty of reduction of basic pay by one increment for such indiscipline of yours, there is no question of payment of any interest on the salary paid to you for the said period. xxx xxx”*

In considered opinion of this Court, the aforesaid order is a well-reasoned order and does not warrant interference by this Court. Looking at the misconduct of the petitioner and also the fact that despite his having been found guilty of unauthorised absence from duty for a continuous period of about 10 months, the respondents taking a lenient view have released the salary of the petitioner for that period, there is no justification to direct the respondents to pay interest on the said amount.

The writ petition is dismissed.

**January 27, 2015**

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**(HARINDER SINGH SIDHU)  
JUDGE**