

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 22847 of 2013
Date of decision: 09.10.2015

Kanwaljit

....Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Chanan Singh, Advocate, for the petitioner.

Mr.L.S.Virk, Addl.A.G., Punjab.

G.S.SANDHAWALIA, J. (Oral)

Petitioner seeks the relief of House Rent Allowance (for short, 'HRA') for a period of 13 months, i.e., from 01.08.2009 to 31.08.2010 and the benefit of Dynamic Assured Career Progression Scheme (for short, 'DACP'), w.e.f. 21.08.2011, along with other consequential benefits, including annual increments, proficiency step-up.

Counsel for the petitioner submits that the claim for said DACP in favour of the petitioner was recommended on 03.04.2012 (Annexure P17) by respondent No.3 along with the case of 9 others.

The said issue has not been denied by the State in para no.12 of its reply. The only defence of the State is that since there was a disciplinary proceeding pending regarding the claim of HRA, the decision had been kept pending.

Counsel for the petitioner candidly submits that the petitioner has already filed an application for withdrawal of her claim for HRA on 01.07.2015.

The said fact has not been disputed by the State Counsel, on instructions from Shri Umesh Chander, Sr. Assistant in the office of respondent No.2.

In such circumstances, once the issue of HRA is no longer a claim which the petitioner is making, the defence of the State that whether any disciplinary proceeding is pending for the said claim evaporates. It is a matter of fact that no such disciplinary action till now has been taken. Neither any chargesheet has been issued to the petitioner nor any punishment order has been passed.

In such circumstances, the present writ petition is disposed of, with a direction to respondent No.2 to take a decision on the claim of the petitioner for DACP along with other consequential benefits, w.e.f. 21.08.2011, within a period of 3 months from the receipt of a certified copy of this order. It is further apparent that when the case of the petitioner was recommended, there were 9 other employees who were recommended for the same benefit. It is not the case of the State that the other similarly situated employees have not been granted the said benefit and therefore, it is made clear that the petitioner shall not be denied the relief on the ground of any subsequent event or decision of a policy that the DACP will not be given and nor it would stand in the way of the petitioner, since she had been agitating for her rights and similarly situated employees have already been granted the said benefit. It is also made clear that the petitioner's claim for HRA stands withdrawn and she is not entitled for the said claim. Needless to say that if the said relief is to be denied, reasoned order shall be passed.

09.10.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE