

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

CWP No. 3321 of 2014

Date of decision: January 20, 2015

Kulwant Singh

---Petitioner

Versus

State of Punjab and others

---Respondents

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

Present: Ms. Jyoti Sareen, Advocate
for the petitioner.

Mr. Ajaib Singh, Addl. A.G., Punjab.

Mr. D.V. Sharma, Senior Advocate with
Ms. Shivani Sharma, Advocate for respondents No. 3 to 7.

HARINDER SINGH SIDHU, J.

The petitioner was working as Branch Manager in the Mansa Central Cooperative Bank Ltd. and he alongwith some other employees was discharged from service vide impugned order dated 08.02.2014 (Annexure P-9).

The petitioner claims that he is entitled to the benefit of the instructions dated 27.02.2013 (Annexure P-3), vide which benefit of

extension in service as available to the Punjab Government employees was extended to the employees of the respondent-Bank.

This Court vide interim order dated 25.02.2014 stayed the operation of the impugned order till the next date of hearing i.e. 07.04.2014 and the interim order was further extended on 08.07.2014. The petitioner remained in service due to the interim order and retired on 31.12.2014 on the expiry of extended period of service.

In view of these developments, the limited prayer of the petitioner now is that he be paid the arrears of salary for the period, during which he worked on account of the stay order passed by this Court. He also prays that necessary retiral benefits be released to him.

On merits of the case, learned Senior counsel Sh. D.V. Sharma, for respondents No.3 to 6 contends that the instructions dated 27.02.2013 (Annexure P-3), relied upon by the petitioner have neither been adopted by the respondents nor the same have been approved by the Registrar. Hence, the same have no application.

Learned Senior counsel further states that pursuant to resolution No.385 dated 30.01.2014 (Annexure R-3/1) of the Board of

Directors, an office order dated 18.02.2014 (Annexure R-3/2) was passed, whereby, the Managing Director of the Bank ordered the relieving of three employees including the petitioner with immediate effect. Though, the writ petition was filed on 20.02.2014, neither the office order dated 18.02.2014 (Annexure R-3/2) nor the resolution on the basis of which, the impugned order was passed were challenged in the writ petition. He further states that no writ petition is maintainable against the respondent-Bank in view of the various decisions of Hon'ble the Supreme Court as well as this Court.

Learned counsel for the petitioner draws attention to paragraph No.8 of the written statement filed by the respondents No.3 to 6, wherein, while stating that the petitioner has concealed the order dated 18.02.2014, it has been admitted that in view of the stay order, the petitioner has been allowed to join.

A perusal of the reply makes it clear that the petitioner was allowed to join and work and this fact is fortified by the further act of the respondents, who themselves filed an application for vacation of stay, on which no final order was passed, but the interim order was extended.

In view of the fact that the petitioner has continued to work on the post of Manager for the extended period and has now superannuated on expiry of extended period, he cannot be denied salary and remuneration for the period, during which he has worked because of the interim order of this Court.

Accordingly, it is directed that the salary for the period during which he has already worked be paid.

As the petitioner has already superannuated, it would not be necessary to adjudicate on the legal contention on merits raised by learned senior counsel for the respondents.

Writ Petition stands disposed of accordingly.

Learned counsel for the petitioner further states that because of the pending controversy, the petitioner has not been paid his retiral benefits.

It is expected that the necessary retiral benefits would be paid to the petitioner within two months.

20.01.2015
Atul

(HARINDER SINGH SIDHU)
JUDGE