

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

CWP No. 7547 of 2015 (O & M)

Date of decision : 27.5.2015

Raj Kumar and others

.....**Petitioners**

v.

State of Punjab and others

.....**Respondents**

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. B.S. Mittal, Advocate, for the petitioners

Ms. Minakshi Goyal, AAG, Punjab

Ms. Meena Bansal, Advocate, for respondent No. 3

Deepak Sibal, J.

On 21.5.2015 this Court passed the following order :-

“C.M. No.6833 of 2015 :

Through this application, written statement on behalf of respondent No.3 is sought to be placed on record.

Allowed as prayed for.

Civil miscellaneous application stands disposed of.

Main case :

It is admitted in the written statement filed by respondent No.3 that the petitioners who are Class-IV employees have not been paid their salaries since February 2015. The reason given for not disbursing the salaries of the petitioners is financial crunch being faced by respondent No.3. Respondent No.3 has further state d that they have written to respondent No.2-Director Local Bodies for release of grants so that the salaries can be disbursed to the petitioners. The said letter has been

written as per the order of a Division Bench of this Court passed in CWP No.15183 of 2006 decided on 5.2.2008.

Prima facie, I am convinced that the matter is covered by the above referred judgment rendered by the Division Bench judgment of this Court. However, at this stage, learned counsel appearing on behalf of State of Punjab submits that he may be granted short adjournment to take up the matter with the Government for releasing of salaries of the petitioners.

Adjourned to 27.5.2015.”

Learned state counsel informs the Court that deliberations amongst the officers of the Government are going on but the Court has not been apprised of the time frame so as to when salaries would be paid to the petitioners who are Class IV employees and have not been paid their salaries since February 2015.

Learned counsel for the petitioner has drawn my attention to the following observation made by this Court in **CWP No. 15183 of 2006** decided on 5.2.2008 titled as **“Gopal Dass and others v. State of Punjab and others”** :

“After hearing the counsel for the parties, it is clear that respondent No. 5 is neither paying salaries to its employees regularly nor depositing the pension and the Provident Fund in the accounts of the petitioners which it is supposed to pay every month. In this view of the matter, we direct respondent No.5 to pay the entire salary and deposit contribution of Pension and Provident Fund which is due to the petitioners, within a period of three months from today i.e. on or before 10.5.2008. Respondent No.5 shall continue to pay the salaries and other dues to its employees by 10th of each month, thereafter. In case, respondent No. 5 is facing financial constraints, then they may request respondents No. 1 and 2 to

release them the amount which is required to pay the aforementioned amount to its employees. On a request made by respondent No. 5, respondents No. 1 and 2 shall give the grant to respondent No. 5.

The writ petition is disposed of with the aforementioned directions.”

The case of the petitioners is fully covered by the above referred directions given by a Division Bench of this Court and accordingly, I direct respondent No.3 to pay the entire salary of the petitioners and deposit their contribution of Pension and Provident Fund within a period of 2 months from today i.e. on or before 27.7.2015. Respondent No.3 shall continue to pay the salaries and other dues to its employees by 10th of each month thereafter. In case of any financial constraint, respondent No.3 may request respondents No.1 and 2 to release them the amount which is required to be paid to its employees. On a request made by respondent No.3, respondents No.1 and 2 shall give the grant to respondent No.3.

The writ petition stands disposed of with the aforementioned directions.

(DEEPAK SIBAL)
JUDGE

27.5.2015
Ashwani