

C.W.P No. 17154 of 2011 (O&M)

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 17154 of 2011

DATE OF DECISION: 12.07.2016

Gopi Ram

.....Petitioner

Versus

State of Punjab and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
- 2. To be referred to reporters or not? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. Peeyush Gagneja, Advocate
for the petitioner.

Mr. Anil Sharma, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed for issuance of a writ in the nature of mandamus directing the respondents to grant service benefits to the petitioner such as annual increments, 4/9/14 years scheme, revised pay scale and all other benefits from the year 2003, till date, which have been stated to be with-held.

On 24.5.2016, the case was argued at length and a detailed order was passed, which is reproduced as under:-

It is rather unfortunate that when this Court remitted the matter to the Mediation & Conciliation Centre annexed to this Court

for the disputing parties to sit together and resolve their monetary disputes and differences with respect to terminal benefits etc., the petitioner appeared twice at the Centre, but respondent No.3 showed no interest in the proceedings and failed to appear. The order of the Court was taken very casually by the Executive Officer, Municipal Council, Abohar. That is how the matter has come up to this Court for a decision on merits.

Heard.

Indisputably, the petitioner was not proceeded against departmentally before he retired from service on reaching the age of superannuation. He served with the Municipal Council, Abohar for many years and even during the pendency of this case for the last five years, the simple dispute has not been resolved while it could easily have been, had the Executive Officer, Municipal Council, Abohar been serious in discharging his duties of office and his duties to a fellowman and former employee of the municipality.

In the circumstances, respondent No.2 is directed to stop paying salary to respondent No.2 – Executive Officer, Municipal Council, Abohar till the next date of hearing.

List again on 03.06.2016.

In order to bring parties on the same table to resolve the disputes, the petitioner is directed to be present in the office of the Executive Officer, Municipal Council, Abohar on

30.05.2016 at 10.00 AM sharp. If the deliberations are successful in resolving the disputes with respect to terminal benefits and after adjusting loans, if any, taken by the petitioner while in service (which is an adjustable right of respondent No.3), then the result of the exercise in the shape of a status report be placed before this Court for further directions. In the deliberations, respondent No.3 will pay due regard to the prayers made in this petition. Wherever claim for money has to be denied for legitimate reasons, a short reasoned order will be passed and placed together with the report.

Nevertheless, on the request of Mr. Anil Sharma the operation of this order is kept in abeyance for two weeks. In case, a report is submitted by 03.06.2016, then further orders can be prayed for by either of the parties.

A copy of the order be given to the learned counsel for the parties under the signatures of the Bench Secretary.:

In compliance of said order, status report mentioning therein the details of the payments due to the petitioner as well as the recoveries made from him has already been filed. The details of the payments due to the petitioner are reproduced as under:-

Sr. No.	Subject	Amount (₹)
1.	Gratuity	38922.00
2.	Leave encashment (192 days)	184378.00
3.	Arrears of revised pay scale	38515.00

Sr. No.	Subject	Amount (₹)
4.	Arrears of increment	108524.00
5.	Fixed Medical Allowance (3/12 to 5/2016)	25500.00
6.	LTC amount payable due on 1.7.2014	8730.00
	Total Amount (Rs.)	754569.00

The details of the payments made to the petitioner are reproduced as under:-

Sr. No.	Cheque No. and date	Amount (₹)
1.	009943/12/4/2012	100000.00
2.	015361/14/08/2012	120000.00
3.	786085/11/09/2012	30000.00
4.	880807/2/04/2013	112516.00
5.	673245/18/07/2013	202252.00
6.	673246/18/07/2013	90020.00
	Total Amount (Rs.)	654788.00

The details of the recoveries to be made from the petitioner under different heads are as under:-

Sr. No.	Subject	Amount (₹)
1.	Advance LTC	2500
2.	Recovery on account of suspension allowance = 259170.00 Leave encashment already paid = 184378.00 Total amount to be recovered	74792.00
	Total Amount	74792.00

A perusal of aforesaid details would show that the total amount payable to the petitioner was ₹ 754569.00 and a sum of ₹ 654788.00 has already been paid to him. A sum of ₹ 77292.00 has been deducted on account of recoveries under various heads as detailed above and the balance amount of Rs. 22489.00 remain to be paid to the petitioner.

Learned counsel for the respondent-State submits that nothing remains to be paid to the petitioner and whatever amount was due has already been paid.

Learned counsel for the petitioner submits that the period of suspension has been considered as leave without pay, therefore, the petitioner is entitled to salary for the aforesaid period.

Keeping in view the details as mentioned above, the present petition is disposed of with a direction that in case any difference in payment of amount is there or the benefit which remains unconsidered, the petitioner is at liberty to make detailed representation to the respondents within a period of one month from today and the same shall be decided by the respondents by passing a speaking order after a period of one month thereafter. In case the petitioner is entitled to any amount or benefit, the same shall be released to him within a period of two months thereafter.

July 12, 2016
pooja

(DAYA CHAUDHARY)
JUDGE