

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

**C.W.P No. 17160 of 2013**

**Date of decision : 25.05.2016**

**Darshana Devi & others**

**...Petitioners**

**versus**

**Haryana State Social Welfare Board & ors.**

**..Respondents**

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. V.B. Aggarwal, Advocate  
for the petitioners.

Mr. Manjit Singh, Advocate  
for respondent No. 1

Mr. Ravi Pratap Singh, A.A.G. Haryana

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**RITU BAHRI , J.**

The petitioner is seeking issuance of writ in the nature of mandamus seeking direction to the respondents to pay the salary of the petitioners as claimed in para No. 3 of the petition along with all consequential benefits.

On notice, a written statement has been filed by respondent No. 1 admitting therein that petitioners were working as Balsevika and petitioner No. 1 joined on 06.10.1989, petitioner No. 2 on 16.09.1976, petitioner No. 3 on 06.03.1990 and petitioner No. 4 on 22.06.1992. But

their claim was rejected with regard to payment of salary for the period with effect from November, 2002 to 31.03.2003, as their centres were inspected by the then Assistant Project Officer and they were found absent and they were issued memo. Thereafter, in a meeting dated 11.06.2003 (R-1/1), the then Chairperson decided to hold enquiry and stop the salary of the petitioners and decided that the salary will be paid after received the enquiry report.

Learned counsel for respondent No. 1 at the very outset submits that no enquiry has been conducted till date. It has further been submitted that the project under which the petitioners were working was closed down on 01.04.2005

Heard learned counsel for the parties.

Further, reference at this stage can be made to **CWP No. 7048 of 2008 titled as Smt. Ram Murti and others v. Haryana State Social Welfare Board & ors, decided on 28.09.2012** wherein also the petitioner were seeking direction to the respondents to pay the salary w.e.f 01.01.1996 to 31.12.2003. This Court allowed the writ petition and direction was given to the respondents to pay the entire payment to the petitioners except the present petitioners, along with 6% interest. The present petitioners were given liberty to make a representation to the petitioners with regard to the claim raised before this Court.

In the present case,

Once no enquiry has been

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conducted, respondent No. 1 is liable to pay the payment of salary to the petitioners w.e.f November, 2002 to 31.03.2003.

The writ petition is allowed and a direction is given to the respondents to release the payment of salary to the petitioners w.e.f November, 2002 to 31.03.2003 @ 6% per annum w.e.f from the date when the said arrears were sanctioned till its realization. The exercise shall be completed within a period of three months from today and thereafter, a compliance report be sent to this Court.

**(RITU BAHRI)**  
**JUDGE**

**25.05.2016**

G Arora