

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

CWP No.15587 of 2016 (O&M)

Date of decision : 04.08.2016

Ravinder Singh Nandal and another

... Petitioners

Vs.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Rajesh Hooda, Advocate for the petitioners.

...

TEJINDER SINGH DHINDSA, J.

Pleadings on record would indicate that both the petitioners herein were employees of the Department of Agriculture, State of Haryana and retired from the post of Block Agriculture Officers on 31.05.2013 and 28.02.2011, respectively, upon attaining the age of superannuation. Post retirement and having responded to an advertisement dated 14.06.2013, the petitioners were engaged as Agriculture Development Officers (Soil Conservation) purely on contractual basis vide letter dated 23.09.2013 at Annexure P-1 issued by the Director Agriculture, Haryana for a period of one year. Condition No.4 contained in the letter dated 23.09.2013 at Annexure P-1 governed the salary payable and was in the following terms:

“The amount of remuneration shall be calculated as per Govt. Rules i.e. the difference between the last pay drawn (Basic Pay + DA) and amount of monthly pension.”

Counsel submits that insofar as the petitioner No.1 is concerned, he served as Agriculture Development Officer (Soil Conservation) for the period 01.10.2013 to 30.09.2014 and thereafter having been relieved, he was granted extensions subsequently and served for two years of six months on the same post i.e. from 01.11.2014 to

30.04.2015 and 01.06.2015 to 30.11.2015.

Grievance qua petitioner No.1 is that he has not been released salary for the months of August and September, 2014 and has also not been paid his remuneration for the two subsequent periods of engagement on contractual basis i.e. 01.11.2014 to 30.04.2015 and 01.06.2015 to 30.11.2015.

As regards petitioner No.2, counsel submits that he having been engaged, he has served as Agriculture Development Officer (Soil Conservation) continuously from 30.09.2013 till date but has been paid salary only for a period of seven months.

Without even ascertaining the correctness of the averments made in the petition, I deem it appropriate to dispose of the present petition by granting liberty to the petitioners to raise a claim before the Competent Authority/respondent No.2 for claim of remuneration in the light of condition No.4 contained in the appointment letter dated 26.09.2013 and in respect of the periods that they have discharged their duties but having not been released the salary. In the eventuality of the petitioners raising such claim by filing a representation, respondent No.2 would be obligated to consider the matter and to take a final view thereupon by passing a speaking order within a period of two months from the date of submission of the same.

Disposed of.

04.08.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether Reportable? | No |