

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25081 of 2012
Decided on : 04.04.2016

Hardev Singh Sodhi

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Amandeep Sharma, Advocate, for
Mr.P.S.Khurana, Advocate, for the petitioner.

Mr.Avinit Avasthi, A.A.G., Punjab.

G.S. Sandhawalia, J. (Oral)

Petitioner challenges the order dated 17.10.2012 (Annexure P3) whereby the arrears of salary for the period during which the petitioner could not qualify the departmental examination, could not be considered from the date of appointment.

Petitioner was appointed on 31.05.2001 (Annexure R1) as a Block Development & Panchayat Officer, under the handicapped quota, on temporary basis. As per the terms and conditions of the appointment letter, his service was to be governed by the Departmental Service Rules, as amended from time to time. Initially, the services of the petitioner were terminated on 08.11.2005, during the probation period, which order was set aside. Accordingly, the petitioner was taken back in service on 25.01.2006 (Annexure P1), subject to the final decision of the SLP.

As per the case of the petitioner himself, the SLP was dismissed on 27.03.2006. Thereafter, on account of the petitioner not passing the departmental examination on account of his handicap, he was given the benefit of exemption under the power of relaxation, vide order dated 24.05.2011 (Annexure P2), by the Financial Commissioner, Rural Development & Panchayats. It is, in such circumstances, the petitioner is seeking the arrears of salary.

The said claim is patently baseless, as, admittedly, the exemption could only be from the date it was granted and the petitioner could be given benefit of the same from the date it was granted and not with any retrospective effect, as claimed. In such circumstances, the claim made is totally misconceived and has rightly been rejected.

In view of the above, the present writ petition is, hereby dismissed.

APRIL 4, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE