

COC-154-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COC-154-2017

Date of Decision: May 18, 2017

Shri Harjinder Singh

...Petitioner

Versus

Shri Harsh Kumar Bhanwala & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Petitioner in person.

Mr. Deepender Singh, Advocate,
for the respondents.

AUGUSTINE GEORGE MASI, J. (Oral):

Reply on behalf of the respondents filed in Court, which is taken on record, copy supplied to the petitioner who is present in Court.

It is an admitted position that the petitioner has been paid the arrears calculating it from the date of his termination onwards which is not in consonance with the order passed by this Court as this Court had said that the arrears would be restricted to 38 months prior to the date of filing of the writ petition. The date of filing of the writ petition, admittedly, is 30.05.2015 and therefore, 38 months arrears have to be calculated from the said date backwards. As per the judgment passed by the learned Single Judge, petitioner has been reinstated in service from the date of his termination i.e. 27.11.2008 and therefore, has to be given all consequential benefits, may be notionally. The 38 months prior to the date of the filing of

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the writ petition, therefore, has to be calculated on the basis of the pay which he would have drawn after giving him the benefit of reinstatement with notional benefit for the integrum period.

Counsel for the respondents very fairly states that the remaining amount due as per the order passed by the learned Single Judge shall be released to the petitioner within a period of three weeks from today.

At this stage, petitioner has brought to the notice of the Court that he has not been paid the salary for the period from the date of filing of the writ petition till the date of joining. This again cannot be said to be the spirit of the order which had been passed on 31.05.2016. The arrears have been restricted only for the reason that there was delay on the part of the petitioner in approaching this Court and therefore, he was not granted the full arrears from the date of his termination. As per the order, the petitioner is entitled to the salary for the period 30.05.2015 i.e. the date of filing of the writ petition till his reinstatement i.e. 04.07.2016.

Learned counsel for the respondents has asserted that he is not entitled to the benefit of salary for the period referred to above but this contention of the learned counsel for the respondent stands rejected as it is against the very spirit of the order and in any case, the period from the date of filing of the writ petition i.e. 30.05.2015 till the date of decision i.e. 31.05.2016 was spent in Court and thereafter, the delay in reinstatement of the petitioner was on the part of the Bank i.e. upto 04.07.2016 for which the petitioner cannot be held responsible. Thus, the arrears for the said period be also released to the petitioner within a period of three weeks from today.

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The contempt petition stands disposed of with above observations.

Rule issued to the respondents stands discharged, subject to above.

May 18, 2017
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No