

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

226-2

**CWP-14722-2015 (O&M)
Date of decision: 20.01.2017**

Balwan Singh

....Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. M.S.Sindhu, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. B.S.Rana, Sr. Advocate with
Mr. Rajinder Paul, Advocate for respondents No.6 to 8.

P.B. Bajanthri, J. (Oral)

In the present writ petition, the petitioner has assailed the communication dated 02.07.2015 of the respondent-Deputy Commissioner, Panipat (Annexure P6) asking the petitioner to report before the parent department/office of the Deputy Commissioner, Panchkula for want of vacancy of Kanungo in Panipat. The petitioner is stated to have been transferred on 09.06.2015 from Panchkula to Panipat. The Deputy Commissioner, Panipat had stated that there were no vacant post of Kanungo. Consequently, the petitioner is without posting. He was relieved from Panchkula during pendency of the present petition. On 06.12.2016 petitioner has been provided posting at Madlauda. Thus, intervening period

from the date of reporting at Panipat and date of reporting at Madlauda is required to be regulated as duty for the reasons that respondents without application of mind transferred and posted the petitioner to Panipat against non-existing vacancy. For no fault of petitioner he cannot be denied service benefits including monetary benefits. The concerned respondent is directed to regulate the intervening period as duty and extend the monetary benefits within a period of 3 months.

Accordingly, CWP stands disposed of.

20.01.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No