

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

CWP No. 19672 of 2013
Date of Decision: 11.12.2017

Gulshan KumarPetitioner

Vs.

State of Haryana and othersRespondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.C.L.Verma, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

AMOL RATTAN SINGH, J. (Oral)

Though the prayer made in this petition is only for deciding the petitioners' representation as regards his claim for pay for the period 08.07.2002 till 10.04.2008, notice of motion was issued on 05.09.2013 putting a query to the respondents therein as to why full salary should not be paid to the petitioner w.e.f. 08.07.2002, consequent upon his regularisation from that date vide an order dated 21.08.2008 (Annexure P-1).

In the reply filed by the respondents it is stated that there was a criminal case registered against the petitioner alleging therein the commission of offences punishable under Sections 279 and 304-A IPC, and there was also a claim petition instituted before the Motor Accidents Claims Tribunal, in respect of the accident that took place when the petitioner was driving the bus of the respondent Haryana Roadways; and that eventually his services were regularised taking a lenient view on the

ground of his family circumstances and as he has not been punished (not found guilty) in the criminal proceedings initiated against him.

No reason however is coming forth as to why the petitioner, having been regularised w.e.f. 08.07.2002, has been denied the salary for the period in between till 10.04.2008.

That being so and eventually the petitioner having been imposed a punishment of recovery of only Rs.1,000/- in the disciplinary proceedings initiated against him, despite which he was regularised w.e.f. a previous date, there would be no reason to deny him the salary for the said period, it being not stated anywhere that he has not worked for the said period.

Consequently, the arrears of salary for the aforesaid period be now released to the petitioner within a period of 3 months from the date of receipt of a certified copy of this order, alongwith interest at the rate of 6% per annum, running from the date that each months' salary (of a regular employee) became due to him, till the date of actual payment thereof.

December 11, 2017

dharamvir

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO