

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

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**CWP-18725-2015 (O&M)**  
**Date of decision: 02.03.2017**

Hari Om Rathee

.....Petitioner

Versus

State of Haryana and others

.... Respondents

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

Present: Mr. Ravi Verma, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

**P.B. Bajanthri, J. (Oral)**

The petitioner has questioned the validity of order dated 11.08.2015 and order dated 27.08.2015 and further sought for re-employing him to the post of Head Master up to 31.03.2016 pursuant to the order dated 10.06.2015.

Learned counsel for the petitioner submitted that petitioner had attained age of superannuation and retired from service. He was re-employed with reference to notification dated 26.04.2011 up to 31.03.2016 or till the department is able to fill the post on regular basis. On 11.08.2015, the respondents proceeded to fill up the post held by the petitioner by reinstating one Sh.Rajinder Sethi who was under order of suspension while relieving the petitioner. The petitioner has questioned the validity of relieving him from the post of Headmaster during his reemployment on the ground that it is in violation of notification dated 26.04.2011 vide Annexure P1 in particularly para 3.

Learned counsel for the petitioner submitted that petitioner was reappointed during pendency of this litigation on 05.10.2015 and he has continued up to 31.03.2016 as per the conditions imposed in Annexure P2. In view of these facts and circumstances, short question for consideration in the present petition is whether the petitioner is entitled for arrears of salary during the period from 31.08.2015 to 05.10.2015 or not? Having regard to re-employment of retired employee with reference to notification dated 26.04.2011 it is crystal clear that such appointment would be up to end of academic session i.e. up to 31<sup>st</sup> March, 2016 or till the department is able to fill the post through new recruitment. In view of the above conditions petitioner's services could not have been dispensed on the score that one Sh. Rajinder Sethi who was placed under suspension and it was revoked and posted him on 11.08.2015 against the post held by the petitioner. Therefore, the petitioner is entitled for salary attached to the post during the period from 31.08.2015 to 05.10.2015 in view of the conditions imposed in Annexure P1 dated 26.04.2011. The concerned respondent is directed to calculate arrears of salary for the aforesaid period and disburse the same to the petitioner within a period of 3 months from today.

At this stage, learned State counsel on instructions submitted that the petitioner has been paid arrears of salary for the period from 31.08.2015 to 05.10.2015. If it is not disputed by the petitioner and if arrears of salary is paid already, in such event respondents are not liable to pay arrears of salary for the aforesaid period.

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

**02.03.2017**  
pooja saini

Whether speaking/reasons

Yes/No

**Whether Reportable:**

Yes/No