

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

**CWP- 3857-2012
Date of Decision :08.03.2017**

HAMID KHAN

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. M.K.Sood, Advocate
for the petitioner.

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

Mr. Raman B.Garg, Advocate
for respondents No.2 and 3.

P.B.BAJANTHRI, J. (ORAL)

In the instant petition, the petitioner has sought for quashing of the communication dated 31.05.2010 vide Annexure P-4 by which he has been denied salary for the period from 01.07.2009 to 30.06.2011. During the pendency of this litigation, the petitioner has restricted his argument other than salary for the period from 01.07.2009 to 31.05.2010 as recorded by this Court on 01.08.2013.

Learned counsel for the petitioner submitted that the petitioner was subjected to disciplinary proceedings by framing charges on 15.06.2005, in the disciplinary proceedings he was punished by imposing the penalty of dismissal from the service on 06.01.2009. As against the order of dismissal he preferred an appeal before the appellate authority. The appeal was allowed on 11.02.2010 by setting aside the order of dismissal.

In view of setting aside the order of dismissal, the petitioner sought for

extension of two years of service on account of the fact that he was a physically handicapped person. The same was considered by the respondent and he was appointed on 31.05.2010.

In view of these facts and circumstances, whether the petitioner is entitled for monitory benefits from 01.07.2009 to 31.05.2010, increment which was due on 01.06.2008, performance award, reimbursement of tuition fees and handicapped allowance or not? Having regard to the fact that the petitioner was out of service and he was re-appointed with reference to extension or service policy on 31.05.2010. Therefore, the petitioner is not entitled for any arrears of pay for the period 01.07.2009 to 31.05.2010.

Insofar as the other relief sought by the petitioner is concerned like increment, which is due on 01.06.2008 and other allowances are concerned, respondents are directed to take a decision and if it is in accordance with law and if the petitioner is entitled, the same shall be released.

The above exercise shall be completed by the concerned respondents within a period of four months from today and communicate the decision to the petitioner.

The present petition stands disposed of.

(P.B.BAJANTHRI)
JUDGE

March 08, 2017

Sunil Devi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No