

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.251 of 2017 (O&M)

Date of Decision: 20.02.2017

Narinder Kumar

... Appellant

VS.

Bhakra Beas Management Board & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

Present: Mr. JS Bhatti, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) The appellant approached this Court by way of a writ petition seeking two reliefs, namely, (i) the orders vide which he was ordered to be repatriated from Bhakra Beas Management Board (BBMB) be set aside; and (ii) his salary for the period from 01.08.2013 to 28.01.2014 may be ordered to be released.

(2) Learned Single Judge has disposed of the writ petition, in a way, as infructuous in view of the subsequent events, namely, the order vide which the appellant has again been adjusted in BBMB.

(3) The appellant is an Assistant Research Officer and his parent department is Irrigation Department, Government of Punjab. He was sent on deputation to BBMB against the State of Punjab quota but it appears that BBMB passed an order of his repatriation. The appellant's case is that no such orders could be passed by BBMB. Be that as it may, the action was subsequently rectified and he was again retained with BBMB on deputation. The appellant is still serving in BBMB only.

(4) The short controversy which now survives pertains to the interregnum during which the appellant asserts to have served BBMB only while BBMB appears to have assumed that he had been repatriated. Resultantly, no salary has been paid to the appellant for the period from 01.08.2013 to 28.01.2014.

(5) We have heard learned counsel for the appellant and are of the view that the order of learned Single Judge to the extent that the writ petition has become infructuous in view of the subsequent order of appellant's retention on deputation with BBMB, does not call for any interference. However, the claim of the appellant regarding payment of salary for the period from 01.08.2013 to 28.01.2014 deserves to be determined. Needless to say that if the appellant continued to serve BBMB, he is entitled to draw salary from BBMB itself. However, if he had been repatriated to his parent department, then the appellant will have to be paid salary by his parent department.

(6) Consequently, this appeal is disposed of with a direction to BBMB as well as the Principal Secretary, Irrigation Department, Government of Punjab to determine the above-stated claim of the appellant within a period of four months from the date of receipt of certified copy of this order and whosoever is found liable, shall release the salary to the appellant for the aforesaid period within the stipulated period.

(7) As regard to the appellant's entitlement to retain accommodation allotted by BBMB after he has been again taken on deputation, liberty is granted to the appellant to represent to the

competent authority who shall sympathetically consider his request
keeping in view his entitlement for accommodation.

(8) Ordered accordingly.

(Surya Kant)
Judge

20.02.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

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| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |