

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-4245 of 2015 and
CWP-8818-2000 (O&M)
Date of decision: - 14.11.2018

Saroj Kumari and others

....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- None for the petitioners.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Mr. Gaurav Tangri, Advocate
for Mr. Sanjay Tangri, Advocate
for respondent No.5.

HARSIMRAN SINGH SETHI, J. (ORAL)

When the case was taken up on 24.07.2017, counsel for respondent No.4 was asked to explain as to why the benefit on account of arrears of salaries has been released to other petitioners and why the same benefit has not been extended to petitioner No.4. Counsel for respondent No.4 sought time to seek instructions and to file reply. Thereafter, respondent No.4 has filed the reply, which was taken on record on 15.02.2018.

In paragraph No.4 of the preliminary submissions it has been admitted that the petitioners' claim for revised pay-scale at par with government employees w.e.f. 01.01.1996 has already been granted to the petitioners, except Ram Kanwar @ Ram Kumar (petitioner No.4), who could not be granted the said relief as there was no representation from his LRs. With regard to the second relief of Employee Provident Fund is concerned, it has been mentioned in the reply that there was no pensionary benefits scheme applicable to the employees and employees are only availing the benefit of Contributing Provident Fund, which benefit is being extended to the petitioners as well.

The benefit of arrears of petitioner No.4 could not be given as he died by the said date and there was no claim made by the legal representatives of petitioner No.4 in this regard. LRs of petitioner No.4 have already been impleaded vide order dated 20.02.2015.

In CM No.4245 of 2015, a prayer has been made by the legal representative(s) of petitioner No.4 for the release of the said benefit. The admisibility of the said benefit also stands admitted by respondent No.4 in its reply. Therefore, respondent No.4 is directed to consider and grant the arrears of salary for which the petitioner No.4 had become entitled, to his legal heirs.

In view of above, as the claim was only with regard to the arrears of salary, nothing survives in this writ petition and therefore, the present writ petition along with CM No.4245 of 2015 stand disposed of with no order as to costs.

Let copy of this order be sent to counsel for legal representatives of petitioner No.4 as well as to counsel for respondent No.4 and also to respondent No.4 for compliance/information.

An affidavit of the compliance of the above-said order be sent to this Court within a period of three months from the date of receipt of certified copy of this order.

November 14, 2018
naresh.k

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether reasoned/speaking?	Yes
Whether reportable?	No