

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

Sr. No.114

Civil Writ Petition No.10013 of 2018
DECIDED ON: April 25, 2018

VINOD KUMAR ANAND AND ANOTHER

..PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rajesh K. Kaundal, Advocate,
for the petitioners.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioners have sought the issuance of a writ in the nature of Mandamus directing the respondents to release the TA/DA as per Punjab Civil Services Rules inspite of the representation given to the respondents.

2. The contention of learned counsel for the petitioners is that though the TA/DA to the petitioners have been approved for appearing on the different dates before the Inquiry Officer i.e. Additional Session Judge (retired) at Chandigarh but subject to the production of the attendance certificate with regard to attendance before the Inquiry Officer. Subsequent thereto, the petitioners moved representations dated 14.11.2017 (P-8 & P-9)

Civil Writ Petition No.10013 of 2018

to the Principal Secretary, Local Government Department, Chandigarh for getting the needful done but till date no TA/DA has been paid, for the simple reason that the inquiry file is not available with the concerned office. It was the duty of the respondents particularly respondent No.3-The Commissioner, Municipal Corporation, Amritsar to keep and safeguard the record and such lapse or omission on the part of the employees of the Municipal Corporation, Amritsar. The petitioners cannot be made to suffer. They feel satisfied, in case, a direction is issued to respondent No.3 to get the file traced out and do the necessary things in a time bound manner.

3. Thus, without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent No.3- The Commissioner, Municipal Corporation, Amritsar, to get the requisite file pertaining to the inquiry traced out and consider the claim of the petitioners and if they are found entitled, to release the said benefit. The entire exercise shall be done within a period of three months from the date of receipt of a certified copy of this order. In case, petitioners still feel aggrieved of any action or inaction on the part of the respondent No.3, they shall be at liberty to have recourse to other remedies available under law as well as to approach this Court.

April 25, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**