

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

109

CM-11670-CWP-2018 in/and
CWP No.25089 of 2017 (O & M)
Date of Decision: October 04, 2018

Dr. Surinder Pal

.....PETITIONER(s).

VERSUS

State of Punjab and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present: Ms. Jasneet Kaur, Advocate
for the petitioner.

Mrs. Anu Chatrath Kapoor, Addl. AG, Punjab.

JASWANT SINGH, J. (ORAL)

The main case stands adjourned to 06.02.2019 and today only an application bearing CM-11670-CWP-2018 seeking stay of the termination order dated 09.03.2017 is listed for hearing.

At the time of hearing, learned counsel for the parties submit that they have no objection, if the main case is ordered to be listed for today itself and taken up for final hearing.

Accordingly, the main case itself is taken up today.

The petitioner on being selected by the Punjab Public Service Commission was appointed and posted as Medical Officer at the Police Academy, Phillaur, District Jalandhar vide order dated 12.05.2016 (Annexure P-1) passed by the Director Health and Family Welfare, Punjab.

He was subsequently transferred by the Health Department vide order dated

said order was never communicated to the petitioner or Academy at Phillaur leading to the services of the petitioner having been terminated vide impugned order dated 09.03.2017 (Annexure P-10) on ground of absence from duty. Hence, the present writ petition.

During the course of previous hearing, it had become evident that the said order was never communicated to the Academy, Phillaur or the petitioner and thus could not be treated as absent from duty. The Department was ready to take back the petitioner provided that the petitioner was ready to forego his all claims from the date of his relieving i.e. 09.03.2017 till the order of reinstating him as the period *dies non* in view of the petitioner willingness to do so, as noticed in the order dated 10.09.2018 passed by the Court, which reads as under:

“Main case stands adjourned to 06.02.2019.

*Prayer in the present **application** moved by the counsel for applicant-petitioner is for staying the termination order dated 09.03.2017.*

Counsel for the applicant-petitioner, on instructions from his client, who is present in Court, states that in case the petitioner is taken back in service, he is ready to forego his claim from the date of his relieving, i.e., 09.03.2017, as a period dies non.

Learned State Counsel prays for two weeks' time to resolve the issue.

*List on **04.10.2018.***

*To be taken up in **Urgent List.**”*

At the time of hearing, learned counsel for the respondent has placed on record order dated 01.10.2018 reinstating the petitioner in terms of the order dated 10.09.2018 passed by this Court.

In response, the averment of the petitioner is that he has not been paid a salary from his date of joining at Phillaur w.e.f. June, 2016 till his date of termination.

Upon which, learned counsel for the State assures the Court that the due salary for the said period shall be released within next two months.

In view of the above, the present writ petition is dismissed as infructuous.

(JASWANT SINGH)
JUDGE

October 04, 2018
A.Kaundal

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No