

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15243 of 2019

DATE OF DECISION:20.08.2019

Shrawan Kumar Sharma

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Minderjeet Yadav, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the claim which is being made by the petitioner is that after the petitioner was discharged from the Indian Army on 31.01.2005, he was selected in the Education Department of Haryana on 20.10.2006 and after rendering approximately seven years of service, the petitioner retired from the Education Department of Government of Haryana on 31.01.2014 and as per the instructions issued by the Government of India dated 11.04.1963, which according to the petitioner, have been duly adopted by the Government of Haryana, the petitioner was entitled for the benefit of the service, which the petitioner had rendered with the Indian Army while fixing his pay.

Reliance is also placed by the petitioner upon the order passed by this Court in CWP No.11351 of 1995 decided on 18.12.1995 to support the claim as being raised in the present writ petition.

which has been claimed in the present writ petition, petitioner has served the respondents with the representation dated 20.02.2019 (Annexure P-13) which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the representation dated 20.02.2019 (Annexure P-13) by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the representation, the present writ petition is disposed of with a direction to the respondents to decide the representation dated 20.02.2019 within a period of three months from the receipt of a certified copy of this order.

However, it is made clear that the benefit of arrears will not be extended to the petitioner as after joining State of Haryana in the year 2006 till his retirement in 2014 and, thereafter, for a period of 5-1/2 years, the petitioner had not raised this grievance. The delay in claiming the relief though is fatal for claiming the benefit but as the claim is fixation of a salary in terms of the notification issued by the Government of India, the petitioner will not be entitled for the arrears upon re-fixation in case he is found entitled for the same.

August 20, 2019
jt

(HARSIMRAN SINGH SETHI)
JUDGE

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