

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

CWP No.19636 of 2013

Date of Decision : 03.05.2019.

Ram Mehar

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Ashok Bhardwaj, Advocate for the petitioner.
Mr. Harish Rathee, Sr. DAG, Haryana.

B.S.WALIA, J. (Oral)

1. Learned counsel states that the petitioner worked on D.C. rates from 10.02.2011 till 20.02.2014 for which payment of ₹2,36,742/- was to be made. However, only a sum of ₹1,38,751/- was paid to the petitioner for the aforementioned period, leaving a deficit of ₹84,037/-.

2. Mr. R.D. Chawla, CMO/respondent No.5, is present in Court and states that as per the record available, the petitioner worked only for a period of 23 months i.e. from 10.02.2011 till 08.04.2013. However, the same is disputed by learned counsel for the petitioner who states that the petitioner worked upto August, 2013. Mr. Harish Rathee, learned Sr. DAG states that the plea and counter pleas are highly disputed and that in the circumstances, the petitioner can at best be paid a sum of ₹33,516/- in addition to the payment of ₹1,38,751/- already made and that in case the petitioner has further claim for payment on account of his allegedly having served for greater period then the period as stated by the CMO, he may avail his remedy in respect thereto before the appropriate forum, in

accordance with law. Learned State counsel further states that the petitioner can verify the record in the O/o CMO and in case he can point out that he had worked w.e.f. 10.02.2011 till 20.02.2014, the payment for the remaining period will also be made to him.

3. Learned counsel for the petitioner on instructions from the petitioner, who is present in Court, states that he would be satisfied if the writ petition is disposed of by directing the respondents to make payment of ₹33,415/- in addition to the payment of ₹1,38,751/- on account of wages w.e.f. 10.02.2011 till 08.04.2013, within a time bound manner.

4. In view of the position as noted above, the writ petition is disposed of by directing the respondents to make payment of Rs.33,415/- in addition to the payment of Rs.1,38,751/- already made and in case the payment is not made within four weeks from the date of receipt of certified copy of this order, the same would carry interest @ 9% per annum from the date of accrual till date of payment. The petitioner would also be at liberty to approach respondent No.5 to inspect the record and on his being able to show to respondent No.5 from the record that he has worked from 10.02.2011 till 20.02.2014 or any other date beyond the said date, in such eventuality, wages would be paid to the petitioner accordingly. In case the petitioner is still aggrieved he would be at liberty to avail remedy in accordance with law before the appropriate forum.

(B.S.WALIA)
JUDGE

03.05.2019

rajesh.k.khurana

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