

**Sr. No.234
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.22021 of 2015 (O&M)
Date of Decision: 09.05.2019**

Ram Dhan

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Sangita Dhanda, Advocate,
for the petitioner.

Mr. Sunil Kumar Vashisth, DAG, Haryana.

Mr. Neeraj Goyal, Advocate for
Mr. Dinesh Arora, Advocate,
for the respondent-Red Cross Society.

ARUN MONGA, J.(ORAL)

The short controversy which requires adjudication herein is whether once having taken work of 'Cobbler' from the petitioner w.e.f. April, 2013 till September, 2015, the respondent-Red Cross Society, Rohtak could have denied the wages/salary to the petitioner on the ostensible ground that post of 'Cobbler' is not sanctioned?

2. Learned counsel for the petitioner submits that the petitioner was working on the sanctioned post, as is evident from list of sanctioned posts in District Handicapped Welfare Centres (Annexure P-1), wherein post of 'Cobbler' has been shown at Sr. No.12. The list of sanctioned post has not been denied by the

respondents in the return filed by them. In fact, the same has been admitted, as the response was given that the list of sanctioned posts does not need any response being a matter of record.

3. As regards the petitioner having worked from April, 2013 to September, 2015, learned counsel for the petitioner submits that the respondent-Red Cross Society has been sending budget estimate to the State Government from year to year, wherein the post of 'Cobbler' was included in the salary budget and the salary of the 'Cobbler' was duly being funded by the State Government to the Red Cross Society and notwithstanding, the petitioner has not been paid.

4. I have gone through the pleadings and also heard the learned counsel for the petitioner while on the other hand, learned counsel for respondent No.3 submits that he being a proxy counsel is unable to render assistance as the arguing counsel is not available today.

5. In the return filed by respondent Nos.1 and 2-State of Haryana, the factum of funding the Society as per the budget estimates submitted by the respondent-Society is not denied.

6. I am of the opinion that when it is established from the record that the petitioner had rendered his services as 'Cobbler' at the relevant time, there is no ground for not paying him salary on the ground that post was not sanctioned.

7. I am in agreement with the learned counsel for the petitioner that list of sanctioned posts includes the post of 'Cobbler'

and even otherwise the Society has been seeking funds qua the salary of the said post in the budget estimates as reflected from Annexures P-6 and P-7 (which have been filed by respondents). In fact, the same is also reflected from Annexure R-4 and R-9 vide which sanction of budget was given for respondent No.3.

8. In view of my above discussion and the reasons contained therein, it is established that petitioner was serving with respondent No.3 for the selected period and he was not paid his salary, therefore, respondent No.3 is directed to pay the salary of the petitioner w.e.f. April, 2013 to September, 2015 along with interest @ 9% per annum.

9. In view of needless litigation, which the petitioner had to suffer, respondent No.3 is further directed to pay a costs of Rs.25000/- towards litigation charges to the petitioner.

10. Let the needful be done within a period of 02 months, failing which the petitioner shall be entitled to compensatory interest @ 15% per annum.

11. Petition is allowed in the aforesaid terms.

09.05.2019
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No