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

CWP No.9234 of 2020

Date of decision: November 05, 2020

Varinder Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Peeush Gagneja, Advocate for the petitioner.

Mr. Nikhil Chopra, Additional AG Punjab.

Mr. Dharam Vir Sharma, Senior Advocate with
Mr. Harit Sharma, Advocate for respondent No.3.

MAHABIR SINGH SINDHU, J

Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to release the service benefits of the petitioner including arrears of ACP and amount of expenses incurred by the petitioner for pursuing the course of Fire Officer.

On 26.10.2020, coordinate Bench of this Court, passed the following order:-

“Heard through video conferencing.

Reply has been filed on behalf of respondent Nos.1 and 2.

A short affidavit has been filed on behalf of respondent No.3 wherein it has been stated that the salary due and payable to the petitioner from July 2019 to March 2020 has been paid to him. Out of the amount of ₹73,031/- on account of ACP after completion of nine years of service,

the petitioner has been paid an amount of ₹50,000/- and the remaining amount is still due.

The said fact has been disputed by learned counsel for the petitioner and it is contended that an amount of ₹2,37,000/- is still due and the salary has not been paid to the petitioner from July 2020 till date.

Learned counsel for respondent No.3 is not in a position to deny that the salary of the petitioner has not been paid from July 2020 till date.

In view of the above, let an affidavit be filed by respondent No.3 stating therein as to why the salary of the petitioner has not been paid. The affidavit shall also give details about the grants received, the income earned in the current financial year and the expenditures incurred, as also the expenditure incurred by respondent No.3 on the Councillors during the current financial year.

List on 05.11.2020.”

In pursuance of the above order, an affidavit dated 03.11.2020 of Jagsir Singh, Secretary, Municipal Corporation, Abohar, District Fazilka has been filed and para Nos.2, 5 to 7 read as under:-

“2. That receipt and expenditure of the Municipal Corporation, Abohar during the current financial year are as under:-

<u>Month</u>	<u>Income</u> (In lakhs)	<u>Expenditure</u> (in lakhs)
4/2020	240.88	270.59
5/2020	220.07	142.51
6/2020	151.08	132.72
7/2020	220.22	293.44
8/2020	110.36	142.89
9/2020	187.26	173.74
10/2020	95.78	134.75
	----- 1225.66 -----	----- 1290.64 -----

5. *That the arrears of A.C.P. have since been paid as the balance payment of Rs.23031/- was made vide cheque No.496508 dated 08.10.2020. Similarly, the balance payment of the expenditure incurred by the petitioner during the training at Nagpur amounting to Rs.54502/- has also been released to the petitioner vide cheque No.496548 dated 03.11.2020.*

6. *That the writ petition filed by the petitioner is dated 16.03.2020 in which he had claimed the salary up to January 2020. Payment of salary has been made up to June, 2020 to the petitioner and other members of the staff. No other staff members could also be paid the salary from July, 2020 onwards due to financial crunch.*

7. *That as and when some amount towards income is received, the salary shall also be paid to the staff members accordingly.”*

Perusal of para-5 of the affidavit extracted hereinabove reveals that balance of arrears on account of ACP to the tune of ₹23,031/- was paid to the petitioner vide cheque No.496508 dated 08.10.2020. Similarly, the expenditure incurred by the petitioner for undergoing training at Nagpur amounting to ₹54,502/- has also been released vide cheque No.496548 dated 03.11.2020. Paras-6 & 7 of the affidavit also reveal that petitioner had claimed salary upto January 2020 and he has been paid the same upto June 2020. Further reveals that no staff members have been paid salary w.e.f. July 2020 onwards due to financial crunch in the Corporation, but as and when some amount towards income is received, the salary shall be paid to the staff forthwith.

Learned counsel for the petitioner has also acknowledged the above factual situation and stated that apart from the salary w.e.f. July

2020, rest of the claim of the petitioner has already been satisfied by the respondents.

In view of the above, it is apparently clear that only grievance of the petitioner left is regarding payment of salary w.e.f. July 2020 uptil date and Secretary of respondent No.3 in para-7 of his affidavit has undertaken that petitioner shall be paid the salary as and when the amount is received by the Corporation.

In view of the above, no further directions are required to be issued in the matter.

Disposed off, accordingly.

Needless to say that respondent-Corporation shall be bound by the averments made in para Nos.6 & 7 of the affidavit extracted hereinabove.

(MAHABIR SINGH SINDHU)
JUDGE

November 05, 2020
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No