

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

110

CWP No.9509 of 2020

Decided on : 09.07.2020

Azad Singh

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Sajjan Singh, Advocate for the petitioner (s).

Mr. Harish Nain, AAG, Haryana.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner has filed the present petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari/mandamus for quashing the impugned action of the respondent whereby the period from 25.08.2019 to 20.12.2019 has not been treated as waiting period due to non-allotment of place of posting of joining.

Counsel for the petitioner at the outset submits that there is no specific order whereby the claim of the petitioner has been denied as such. It is submitted that a representation dated 21.12.2019 (Annexure P-5) and reminder dated 24.02.2020 (Annexure P-6) have been submitted to treat the said period as duty period, so that the petitioner can receive his pay for 4 months, as he has retired on 31.12.2019.

Notice of motion.

Mr. Nain, accepts notice on behalf of the respondents.

The petitioner had challenged the transfer order dated 22.08.2019 by filing CWP No.27867 of 2019, wherein directions were

issued on 04.10.2019 (Annexure P-1) that he would be given posting close to his place of residence since he was to retire on 31.12.2019. The same were only acted upon 18/19.12.2019 (Annexure P-3), in view of the COCP No.3851 of 2019 filed by the petitioner, which was disposed of on 20.12.2019 (Annexure P-4). The petitioner thereafter as noticed has retired on 31.12.2019.

Keeping in view the limited controversy and the fact that decision making is yet to be finalized, this Court is of the opinion that respondent No.2 shall take a decision on Annexure P-6 within a period of 2 months from the dated of the receipt of the certified copy of this order. In case the amount is found due to the petitioner, the same will be disbursed to the petitioner within one month thereafter. In case, the petitioner is found not eligible, a speaking order be passed and conveyed to the petitioner.

Disposed off.

JULY 09, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No