

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

224

CWP No. 11858 of 2020
Date of decision: 16.12.2020

Jaideep and others	Versus	Petitioner(s)
State of Punjab and others		...Respondent(s)

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

Present: None for the petitioners.

Mr. TPS Chawla, DAG, Punjab.
(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The petitioners, in a petition filed under Articles 226 and 227 of the Constitution of India, seek arrears of salary alongwith interest @ 15% per annum on account of the fact that their claim for grant of seniority, pay fixation and other consequential benefits have been partly allowed but they have not been granted the financial benefits. Resultantly, quashing of orders dated 10.01.2020, 05.02.2020 and 14.01.2020 (Annexures P-4 to P-6) is also prayed for.

On 14.08.2020, the following contention was noted:-

“Inter alia contends that the petitioners joined on 17.07.2017 and 18.07.2017 after litigation and in view of the fact that an undertaking had been given that their cases are under process and they were bound down by the undertaking, as per Annexure P-2. It is submitted that the petitioners were given the benefit of seniority etc., but not given the arrears of salary from 29.10.2011 as given to similarly situated persons who had earlier been appointed.

Vide speaking orders dated 10.01.2020, 05.02.2020 and 14.01.2020 (Annexures P-4 to P-6) the

relief has been declined on the ground that the petitioners have not worked and, therefore, not entitled to get the financial benefits. Reliance is placed upon directions (Annexure P-7) to consider the case, which has led to the opinion/orders (Annexure P-8). The necessary averments have also been made in paragraph No.8 that similarly situated persons have been granted the financial benefits for the said period.

Notice of motion.

Ms. Anu Pal, DAG, Punjab, accepts notice on behalf of the respondents and prays for time to file reply.

Needful be done on or before the next date of hearing.

List on 16.12.2020.”

In the written statement filed, it has been averred that the pay of the petitioners has been re-fixed and arrears of pay have been calculated and paid to the petitioners as per the details given below:-

<i>Sr. No.</i>	<i>Name of the petitioner</i>	<i>Arrear period</i>	<i>Bill No. and date</i>	<i>Gross Total (Rs.)</i>	<i>Deduction (Rs.)</i>	<i>Net arrear paid/Date</i>
1.	CT Jaideep 1856/BTA	01.08.17 to 31.12.19	10808 dated 04.09.20	259495/-	23956/-	235539/- Paid on 07.10.20
2.	CT Hardeep Singh 969/BTA	01.08.17 to 31.12.19	10808 dated 04.09.20	259495/-	23956/-	235539/- Paid on 07.10.20
3.	CT Makhan Ram 1396/BTA now 1517/SMS	17.07.20 to 29.02.20	201900052 010620 dated 28.10.20	299183/-	87454/-	211729/- Paid on 04.11.20
4.	CT Rajpal Singh 312/BTA	01.08.17 to 31.12.19	10808 dated 04.09.20	259495/-	23956/-	235539/- Paid on 07.10.20
5.	CT Harpreet Singh 1876/BTA now 330/FZK	17.07.17 to 31.12.19	527 dated 04.09.20	241619/-	21580/-	220039/- Paid on 09.09.20
5.	CT Sonpal 1915/BTA now 862/FZK	17.07.17 to 31.12.19	527 dated 04.09.20	240445/-	21580/-	218865/- Paid on 09.09.20

It has further been averred that earlier remaining arrears were also calculated but due to some technical error in new IHRMS system, the same could not be released. Thereafter, the matter was taken up with the Head Office and the arrears of salary have been paid, as detailed above. It is the case of the State that the petition has, thus, been rendered infructuous and the same may be disposed of as such keeping in view the above since the payments have been received after notice of motion was issued and the relief has thus, been granted to the petitioners.

Disposed of as having been rendered infructuous.

Liberty is given to make the additional claim, if any admissible to the petitioners, in accordance with law and if the petitioners are not satisfied with the said payments.

16.12.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No