

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

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Civil Writ Petition No.15354 of 2015 (O&M)

Date of Decision: January 16th, 2020

Neha Bhagat

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. H.C. Arora, Advocate
for the petitioner.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is an admitted position that during the pendency of the writ petition, petitioner has been granted the benefit of notional fixation of pay and other consequential benefits treating her to be in service with effect from 09.12.2006.

2. Counsel for the petitioner asserts that as per the stand taken by the respondents in the written statement, they have acknowledged the factum of there being no fault on the part of the petitioner. In view of the fact that the petitioner has not been allowed to perform her duties, claim has been made by the counsel for the petitioner for the wages for the period the petitioner was not allowed to work.

3. This contention of the counsel for the petitioner is not acceptable in the light of the fact that the petitioner has not performed her duties.

4. Learned counsel for the State has placed reliance upon the judgment passed by this Court in *CWP No.18387 of 2010* titled as *Meenu Bhatti Versus State of Punjab and others*, where also the monetary benefits were not granted. Counsel for the respondents states that the petitioner be also not granted the said benefit.

5. On consideration of the claim of the petitioner and keeping in view the judgment passed by this Court in Meenu Bhatti's case (supra), the arrears as claimed, cannot be granted to her, however, keeping in view the peculiar facts and circumstances of the case, where no fault can be found on the part of the petitioner but still she has not been allowed to perform her duties denying her the wages for the said period, costs of ₹50,000/- is ordered to be paid to the petitioner.

6. The writ petition is disposed of with above observations.

January 16th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No