

224
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 16315 of 2018
Date of decision: 23.01.2020

Rajbir Singh

.....Petitioner

V/s.

National Fertilizer Limited and others

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Sandeep S. Majithia, Advocate,
for the petitioner.

Mr. Ashwani Talwar, Advocate,
for respondent Nos. 1 and 2.

Sanjay Kumar, J. (Oral)

The petitioner entered the service of the National Fertilizers Limited as an Accounts Clerk in the year 1990. He was thereafter promoted as an Accounts Officer on 01.07.2015. Upon his conviction in a murder case, the petitioner was dismissed from service on 12.12.2016. However, consequent to his acquittal in appeal, the National Fertilizers Limited re-engaged the petitioner as an Accounts Officer, vide order dated 19.12.2019.

By way of the present writ petition, the petitioner sought a direction to the Corporation to release his Performance Related Pay (PRP) amount due for the period 2015-16. He also challenged the order dated 15.07.2017, whereby the Corporation rejected his request holding that he was not entitled to such payment. Significantly, this order was passed prior to the re-instatement of the petitioner consequent upon his acquittal in

appeal.

Mr. Ashwani Talwar, learned counsel appearing for the National Fertilizers Limited, would inform this Court that though the petitioner was re-engaged in service upon a starting basic pay of Rs. 40,000/- (in the pay scale of Rs.40000-140000) along with admissible allowances, the Corporation is yet to take a decision with regard to the treatment of his past service and other incidental issues.

Mr. Sandeep S.Majithia, learned counsel for the petitioner, would inform this Court that the petitioner is not being paid salary despite his re-instatement in service in December, 2019.

Mr. Ashwani Talwar, learned counsel, would inform this Court that once the petitioner submits his bank account number, the amount due to him for the services rendered in December, 2019, would be remitted.

A copy of the re-instatement order dated 19.12.2019 is placed on record by Mr. Ashwani Talwar, learned counsel, but Mr. Sandeep S. Majithia, learned counsel, would assert that the same was not served upon the petitioner till date.

In the light of the aforesaid controversy, this Court is of the opinion that it would be appropriate that the Corporation first considers the issue in its entirety and takes a decision with regard to the manner in which the petitioner's past services should be treated.

The writ petition is accordingly disposed of permitting the petitioner to make a detailed representation setting out his case. This representation shall be submitted by the petitioner within one week from today. Thereupon, the National fertilizers Limited shall consider the said

representation on its own merits and take appropriate action thereon, by passing a comprehensive order as to how the services of the petitioner are to be regularized, duly taking into account his past service also. The petitioner shall also furnish his bank account number to the Corporation in the said communication. The Corporation shall thereupon remit the salary and admitted allowances, in terms of the re-instatement order dated 19.12.2019, for the services rendered by him in December 2019 expeditiously and in any event, not later than seven days from the date of receipt of the communication from the petitioner. The exercise with regard to the treatment of the petitioner's past service and the regularization of his services and pay shall also be completed expeditiously and in any event, not later than six weeks from the date of receipt of the communication from the petitioner.

No order as to costs.

23.01.2020

rakesh

(SANJAY KUMAR)
JUDGE

whether speaking/non speaking : *Yes/no*
whether reportable/non reportable : *Yes/no*