

CWP-24446-2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24446-2016 (O&M)

Date of Decision: 4th February, 2020

Gurjant Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Nirmal Singh, Advocate,
for the petitioner.

Mr. Charanpreet Singh, Asstt. A.G., Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-10539-CWP-2018

Prayer in this application is for impleading the legal representatives of petitioner – Gurjant Singh, who is stated to have expired on 13.12.2017. The death certificate has been appended as Anenxure A-1. Details of the legal representatives of the petitioner have been given in para 4 of the application, which is supported by the affidavit of Lachhwinder Singh son of late Shri Gurjant Singh.

In view the above, the present application is allowed subject to all just exceptions. Legal representatives of petitioner – Gurjant Singh, as mentioned in para 4 of the application, are brought on record. The amended memo of parties appended along with the application is taken on record. Registry is directed to place the same at appropriate stage of the case.

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Petitioner, who was working with the respondent – Department on the post of Superintendent was to superannuate on 31.12.2014. He moved an application dated 30.10.2014 for extension of one year. The said application was considered and forwarded to the Director Public Instructions (Secondary Education), Punjab, however, in the meanwhile, an undertaking was obtained from the petitioner to the effect that for the period he would work with the respondent – Department, he would not claim any salary in case his extension request is rejected. This was primarily so done in the light of the fact that there was a charge-sheet issued to him which was pending consideration. Petitioner gave an undertaking as sought for and continued to work with the respondents.

2. In the departmental enquiry, which was going on against the petitioner, the report came in favour of the petitioner. On the basis of the report of the Enquiry Officer, the complaint against the petitioner was filed vide order dated 10.06.2015 (Annexure P-4) passed by the Director Public Instructions (Secondary Education), Punjab.

3. Petitioner then submitted a representation to the Director Public Instructions (Secondary Education), Punjab for decision on his application for extension in service for one year. The said representation, on consideration, was finally decided by the Director Public Instructions (Secondary Education), Punjab, whereby, the extension as sought by the petitioner was rejected and the communication sent to the District Education Officer (Secondary Education), Hoshiarpur, on 20.11.2015. In

pursuance to the said rejection of his extension, petitioner was relieved by the District Education Officer (Secondary Education), Hoshiarpur, on 30.11.2015 (Annexure P-7).

4. Petitioner, thereafter, submitted a representation for release of his salary for the period he had worked for the respondents i.e. 01.01.2015 to 30.11.2015. When the same was not responded to, petitioner has approached this Court by way of present writ petition, firstly challenging the rejection of the extension as sought by the petitioner in the light of the charge-sheet having been dropped against him and secondly, denying him the salary for the period he had worked with the respondents. Unfortunately, during the pendency of the writ petition, the petitioner has expired and his legal representatives have been brought on record.

5. Respondents have taken an objection with regard to the release of the salary of the deceased – petitioner in the light of the undertaking, which has been given by him to the Department that in case his request for extension is not accepted, he would not claim salary for the work he would perform with the respondents. In the guise and in the light of the said undertaking, respondents assert that petitioner would not be entitled to the grant of salary as claimed by him.

6. I have considered the submissions made by the learned counsel for the parties, who had argued their cases on the lines of the pleadings and on going through the records, find that the stand of the respondents in the present writ petition in not releasing the salary to petitioner – Gurjant Singh is unjustified especially when the documents clearly indicate that the

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petitioner has been performing the duties of Superintendent and above all, the charge-sheet which has been issued to him has been dropped vide order dated 10.06.2015 (Annexure P-4) passed by the Director Public Instructions (Secondary Education), Punjab.

7. In view of the above, the present writ petition is allowed with a direction to the respondents to release the salary of the petitioner w.e.f. 01.01.2015 to 30.11.2015 within a period of two months from today along with interest at the rate of 9% per annum from the date of accrual till the date of disbursal to the legal heirs of the petitioner. The compliance report be submitted by the Director Public Instructions (Secondary Education), Punjab, to the Registrar (Judicial) of this Court within a further period of three weeks. In case such a compliance report is not received by the Registry within the time stipulated above, the case be put up before the Bench in motion hearing.

4th February, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No