

CWP-4783-2021
Date of decision : March 15, 2021AJAY BHATNAGARPetitioner
Versus

STATE OF HARYANA AND ORSRespondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Munish Mittal, Advocate for the petitioner.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This writ petition has been filed for setting aside order dated 09.02.2021 (Annexure P18) passed by respondent No. 4, wherein it is observed that petitioner, working as a Clerk, had not relinquished his earlier charge and he cannot be permitted to assume charge at District Legal Services Authority, Sirsa to where he had been transferred vide order 09.10.2019. It is further observed that as the petitioner was not given charge of any post in District Legal Services Authority, Sirsa, thus, he is not entitled to any salary from DLSA, Sirsa.

Learned counsel for the petitioner submits that in terms of order dated 01.03.2021 passed during pendency of this writ petition, petitioner has now been permitted to join at District Legal Services Authority, Sirsa and he has been asked to physically hand over charge of all the files pertaining to District Legal Services Authority, Jhajjar to the concerned official of District Legal Services Authority, Jhajjar. It is further stated that the petitioner in pursuance to order dated 01.03.2021 has assumed his duty at District Legal Services Authority, Sirsa on 03.03.2021. It is submitted that the petitioner shall hand over charge at District

Legal Services Authority, Jhajjar within one week. Learned counsel for the petitioner, however, submits that salary of the petitioner since 03.09.2019 has not been released. Petitioner has taken a specific plea that he suffered a spine injury on 03.09.2019 while he was posted at Jhajjar. He had applied for medical leave, which was partly allowed. Petitioner, in the interregnum, was transferred from District Legal Services Authority, Jhajjar to District Legal Services Authority, Sirsa on 19.10.2019. It is submitted that the petitioner could not join duty at District Legal Services Authority, Sirsa due to ill-health. On regaining his health, he sought to join at District Legal Services Authority, Sirsa on 08.02.2021 but he was not permitted to join. However, now the petitioner has admittedly assumed charge at District Legal Services Authority, Sirsa.

No further orders, at this stage, are called for in this writ petition.

Liberty is, however, afforded to the petitioner to submit a comprehensive representation before the competent authority in respect to the treatment of the period for which he could not join at his post and for release of salary etc. Accordingly, in case, comprehensive representation is submitted by the petitioner within one week from receipt of certified copy of this order, it is directed that competent authority shall decide the same within a period of four weeks thereafter by passing a speaking order.

Accordingly, this writ petition is disposed of.

March 15, 2021
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No