

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

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**CM-10213-CWP-2020 in/and
CWP No.24675 of 2015
Decided on : 16.02.2021**

Suresh Kumar

... Petitioner

Versus

Union of India and others

... Respondents

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

Present: Mr. Sudhir Nar, Advocate
for the applicant/respondent.

Mr. Pawan Kumar Sharma, Advocate
for the non-applicant/ petitioner.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The challenge in the present writ petition filed under Articles 226/227 of the Constitution of India is to the movement order dated 15.11.2015 (Annexure P-12).

The case of the petitioner is that his son is suffering from AUTISM SPECTRUM DISORDER & ADHD (ATTENTION DEFICITE HYPERACTIVITY DISORDER) and he was being transferred to 6 Assam in the J & K Drass Sector from the Command Hospital Chandimandir, Panchkula. Resultantly, the order was stayed on 27.11.2015.

Various orders have been passed thereafter and the writ petition was also admitted on 15.02.2017 protecting the petitioner who was alleged to have been relieved from service. Thereafter, order dated 17.12.2018 was passed directing that the desertion period from 16.11.2015 to 18.12.2017 be regularized, keeping in view the facts and circumstances.

An order was passed on 12.12.2019, whereby it was noticed that counsel for the respondents held out that dues have been calculated and payments thereof shall be made in due course. An affidavit as such thereafter was filed.

In the present application bearing CM-10213-CWP-2020, Annexures A-1 and A-2 were also placed on record, wherein it has been averred that services of the petitioner have already been regularized for the period of desertion by the respondents. In consequence of the regularization all the allowances have been paid w.e.f. 16.11.2015. Reference is made to receipt of Rs.14,10,324/- and Rs.4,55,677/- for the period of June, 2018 to February, 2020 towards arrears of pay and allowances, from the Accounts Office (other rank) Army Medical Corps, Lucknow, which is placed on record as Annexure A-1.

It has further been averred that documentation with regard to 30 days accumulation leave for the year 2020, transfer grant w.e.f. 07.03.2020, transportation allowance w.e.f. 16.11.2020 and children education allowance (handicapped children) for the period from 01.04.2019 to 31.03.2020 has also been completed. Thus, it has been averred that nothing is pending and salary of the petitioner was also fixed at par with his counterparts and he has been given pension on the basis of last salary drawn upon his retirement. A copy of self declaration made by the petitioner has been placed on record as Annexure A-2.

Thus, it is apparent that the currency of the litigation has come to an end, since no reply has been filed to the said application. The

main case is taken up on board today itself.

Counsel for the petitioner however, submits that certain amount of children education allowance has not been paid and certain deductions have been made while granting arrears of salary. If there is any such grouse, it is open to the petitioner to file a representation on that ground, which will accordingly be considered by the respondents expeditiously. The petition stands disposed off as having been rendered infructuous.

FEBRUARY 16, 2021

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No