

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

CWP-21449-2021

Date of Decision: 25.10.2021

KEWAL SINGH SANDHU AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R.N. Lohan, Advocate
for the petitioners.

Mr. Saurabh Mohunta, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioners herein seek issuance of a writ in the nature of *certiorari* quashing the letter dated 06.07.2020 (Annexure P-2) issued by respondent No.2, vide which, the dearness allowance/dearness relief of the employees/pensioners of Government of Haryana w.e.f. 01.01.2020, 01.07.2020 and 01.01.2021 were freezed and letter dated 26.07.2021 (Annexures P-4 and P-5) to the extent of granting the same w.e.f. 01.07.2021 instead of 01.01.2020, 01.07.2020 and 01.01.2021.

2. There is no quibble on the proposition of law canvassed by learned counsel on behalf of the petitioners that the dearness allowance is an integral part of pay and pension. However, fact is that the country was passing through unprecedented crises caused by COVID-19 pandemic. Not only the country but in fact, the pandemic had hit the entire global population and therefore, the same resulted in certain zero period across the globe where livelihoods were adversely affected. The State has to bear its

expenditure including the payment of salaries from the revenue receipts by way of direct and indirect taxes. It is a well known fact that during this period, the revenue receipts were drastically reduced crippling the financial infrastructure as well as resulting in closure of considerable number of both private as well as public sector including the State establishments in the entire country. It is not the case of the petitioner that they have been discriminated against inasmuch as the dearness allowance was not only in the State of Haryana but also similar steps had to be taken by other States as well as Union of India.

3. Reliance is placed by learned counsel for the petitioner on Division Bench judgment of Andhra Pradesh High Court in ***Writ Petition (PIL) No.128 of 2020*** titled as ***Smt. Dinavahi Lakshmi Kameswarivs State of Andhra Pradesh*** decided on ***11.08.2020***. Learned counsel argues that the said judgment has been upheld by the Supreme Court as an SLP preferred against the same was dismissed. In my opinion, the petition deserves dismissal.

4. A perusal of the said judgment reflects that the same was a case, whereby an executive order due to the financial crunch suffered by the State, notwithstanding that no formal financial emergency was declared, the salary and pension of certain employees for the months of March to May, 2020 was deferred. Instant is a case, wherein qua a certain period, merely part component of salary i.e. dearness allowance has not been paid, treating the same as a zero period, owing to the pandemic crises. Reliance on the judgment rendered by the Andhra Pradesh High Court in Writ Petition (PIL) No.128 of 2020 *ibid* is thus misplaced.

5. Per contra, learned State counsel argues that the short interregnum, during which the dearness allowance was not paid to the employees across board in the entire State, is now being factored for the purposes of cumulative benefit to be given prospectively on resumption of payment of dearness allowance in due course.

6. As an upshot of the aforesaid and even otherwise, on the plain reading of impugned order (Annexure P-4) which is self explanatory, and is in conformity with the argument of learned State counsel that the payment of dearness allowance has resumed w.e.f. July, 2021 after giving the cumulative benefit by factoring the period for which it was withheld.

7. No grounds to interfere are made out.

8. Dismissed.

October 25, 2021
gurpreet/mahavir

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No