

CWP-21323-2020

Date of decision : January 22, 2021

ZIAUL HAQUE

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.Talim Hussain, Advocate for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

LISA GILL, J.

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

Petitioner has filed this writ petition being aggrieved of the action of the respondent authorities in not releasing his salary for the month of September and October, 2020, without any rhyme or reason.

Learned counsel for the State submits that salary for the months of September, October and November, 2020 has been released to the petitioner except for the period for which he has absented himself. Salary in future too would be released regularly in accordance with law.

Learned counsel for the petitioner has circulated a certificate from the District Surveillance Officer, Nuh indicating that he had tested positive for COVID-19 as per report dated 20.09.2020. It is further submitted that all necessary documents have been duly submitted to the authorities. Salary for ten (10) days in the month of October, 2020 and twelve (12) days in the month of November, 2020 has not been released without any rhyme or reason. It is submitted that petitioner has not absented himself even for a single day on any of the working days in the month of November.

Learned counsel for the petitioner further submits that the petitioner is in process of closing the account in which salary is being deposited and he has submitted the details of the fresh account opened by him, however, authorities are desisting from releasing the salary in the said account.

Learned counsel for the State submits that the documents in respect to the petitioner testing positive for COVID-19 have not been received and it is due to this reason that deduction in salary has been carried out.

Keeping in view the facts and circumstances of this case, but without any expression of opinion on the allegations of mala fide etc. levelled qua respondent No. 5, this petition is disposed of with a direction to the competent authority to look into the matter immediately. The said certificate, copy of which has been circulated in the Whatsapp group created for the purpose of video conferencing today, shall be submitted before the competent authority within one week from today alongwith any other documents which the petitioner seeks to rely upon. Necessary action be taken thereon by competent authority. In case of an order adverse to the petitioner, same be by way of a speaking order. It is open to the petitioner to request competent authority for release of salary in the account, details of which would be submitted by the petitioner.

Present petition is disposed of, accordingly.

(Lisa Gill)
Judge

January 22, 2021

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