

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113)

CWP-7561-2022 (O&M)

Date of Decision : August 05, 2022

Ziaul Haque

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Harish Nain, Assistant Advocate General, Haryana.

Mr. Deepak Grover, Advocate, for respondent No.6.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-11224-CWP-2022

As prayed for, the application is allowed.

CWP-7561-2022

In the present writ petition, the grievance of the petitioner is that despite the fact that the petitioner is discharging the duties of the post on which he was appointed but he has not been paid his salary only because of respondent No.6, who is inimical towards him.

Learned counsel for the petitioner submits that appropriate direction be issued to the respondents to release the salary of the period in question along with interest.

Reply has been filed by respondent No. 6 wherein, the working of the petitioner has been disputed so as to not grant him the salary for the period concerned.

Keeping in view the averments made in the writ petition and reply, disputed question of fact arises as to whether, the petitioner had been discharging the duties so as to entitle him the benefit of salary or not. Keeping in view the said position, this Court is not in a position to decide whether, the claim of the petitioner is genuine or not.

Keeping in view the facts and circumstances of the present case, respondent No.4 i.e. District Education Officer, Nuh is requested to look into the matter and decide as to whether, in the facts and circumstances of the present case, the petitioner is entitled for any salary being claimed by him or not. The reasons be given for the conclusion while passing the speaking order. Let the said consideration be undertaken and appropriate order be passed within a period of two months of the receipt of copy of this order. In case, after the passing of the order, the petitioner is found entitled for any benefit, the same be released to him within a period of four weeks.

The present writ petition is disposed of in above terms.

August 05, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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