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

CWP-14320-2022 (O&M)

Date of decision : 19.07.2022

Harcharan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ashok Bhardwaj, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab for the respondents.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution, *inter alia*, for directing the respondents to release salary of petitioner w.e.f. 24.08.2021 up till date.

(2) It transpires that petitioner was appointed as Multi-Purpose Health Worker (Male) in the Health Department, Punjab. During the course of service, he earned promotions as Block Extension Educator; Deputy Mass Education & Information Officer; and District Mass Education & Information Officer in the years 2007, 2013 & 2020, respectively. On 24.08.2021, he was transferred from Head Office, situated at Chandigarh, to the office of Civil Surgeon, Rupnagar.

(3) Present writ petition has been filed primarily with the grievance that he has not been paid salary w.e.f. 24.08.2021 uptill date.

(4) This Court on 08.07.2022, while issuing notice of motion, passed the following order:-

“Notice of motion for 19.07.2022.

Ms. Akshita Chauhan, AAG Punjab, accepts notice on behalf of the respondents. She seeks time to have instructions in the matter.

Needful be done as per law before the next date.

In case there is a failure, this Court would be constrained to summon the officer concerned for assistance in the matter.

Be shown in the urgent list.”

In response to the above order, learned State counsel, on instructions from quarter concerned, submitted that petitioner has been paid salary uptill the month of June, 2022 and as such, he is having no grievance to be redressed.

(5) Despite above factual position, learned counsel for the petitioner vehemently contended that he has not been paid full salary for the period in question; thus, he insisted for issuance of a Mandamus against the respondents.

(6) Heard both sides and perused the paper-book.

(7) There is no dispute that as per the details made available by learned State counsel, the petitioner has been paid salary from 01.09.2021 to 30.06.2022 (₹ 4,93,749/- + ₹ 54,861/- = ₹ 5,48,610/-) vide Bill Nos.222200050510382 & 222200050510414 dated 08.07.2022 & 11.07.2022, respectively.

(8) Although, learned counsel on instructions from petitioner acknowledged the receipt of above payment from 01.09.2021 to

30.06.2022, but his plea is that petitioner has not been paid the full salary admissible for the relevant period.

In the opinion of this Court, above contention raised by learned counsel for the petitioner is not acceptable for the reason that from bare perusal of case file, it is nowhere discernable as to how much monthly emoluments he would be entitled for the post in question?

Even there is no document available on record to indicate the Pay-scale applicable for the post of District Mass Education and Information Officer held by petitioner. Thus, learned counsel for the petitioner has miserably failed to point out that respondents are lacking in any manner for performance of their duty in accordance with law.

(9) In view of the facts and circumstances, discussed hereinabove, no ground is made out to issue any mandate against the respondents.

As a result thereof, there is no option except to dismiss the writ petition.

Ordered accordingly.

It is clarified that dismissal of present writ petition shall not be treated as a bar against the petitioner for taking recourse to the remedy available as per law, if he so advised.

19.07.2022
Atulsethi/Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No