

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

CWP-18611-2018

Date of decision: 29.11.2022

MUKESH KUMAR

...Petitioner

VS

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Aditya Yadav, Advocate,
For the petitioner.

Mr. R.K.S.Brar, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari for quashing the impugned order dated 12.06.2018 (Annexure P-5), vide which legal notice submitted by the petitioner for disbursement of salary for the period March-2018 to May-2018, was rejected.

2. I have heard learned counsel for the parties and gone through the case file.

3. To the claim of the petitioner that he had worked for a period of three months, there is nothing on record to show that whether he indeed actually worked there and/or he had joined on the day pursuant to the administrative order.

4. On the contrary, following specific stand has been taken in para 11 in the reply filed on behalf of the respondents, which reads as below:

“11. That thereafter, Senior Medical Officer, CHC Chhara vide letter No. 583 dated 23.07.2018 requested Senior Medical Officer, Civil Hospital, Bahadurgarh to send attendance report of Mukesh Kumar as he was deputed five days in a week by Civil Surgeon office order dated 19.03.2018. Senior Medical Officer, Bahadurgarh vide letter No.1599 dated 08.08.2018 (annexed as Annexure R-12) informed Senior Medical officer, CHC

Chhara that petitioner had not submitted any joining report in Civil Hospital, Bahadurgarh and no attendance report of petitioner was available in Civil Hospital, Bahadurgarh. Even, Senior Medical Officer, Poly Clinic Bahadurgarh vide letter No.Poly/18/450 dated 30.07.2018 (annexed as Annexure R-13) has informed that neither the deputation orders of Mukesh, MPHS (Male) was received nor petitioner joined the duty in their institute. It is clear from the SMO, Poly Clinic, Bahadurgarh letter dated 30.07.2018 and SMO, Civil Hospital, Bahadurgarh letter dated 08.08.2018 that petitioner did not give duty there and remained willfully absent from duty. Therefore, petitioner is not entitled for the salary from 26.03.2018 to 25.05.2018.

However, salary for the period from 26.05.2018 to 21.08.2018 amounting to Rs.1,07,869/- has been paid to the petitioner in his State Bank of India Account No.10274623654.”

5. No further affidavit and/or replication or even any supplementary material has been placed to controvert the above factual position.

6. This Court, under the extraordinary writ jurisdiction, cannot tread the path of unravelling disputed facts and has to necessary rely on the contents of the affidavits.

7. In view of the aforesaid uncontroverted stand, no grounds are made out to interfere.

8. Dismissed.

(ARUN MONGA)
JUDGE

November 29, 2022

vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No