

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

CWP-21126-2018 (O&M)

Date of decision: September 13, 2022

PremLata

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sandeep Thakan, Advocate for the petitioner.

Mr. R.K.S. Brar, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondents to release the salary w.e.f. January 2013 till the date of termination along with interest.

2. In the return dated 01.10.2019 filed on behalf of the respondents, following stand has been taken in Paras-3 to 5 of the Preliminary objections, relevant whereof is extracted as under:-

“3. xxxxxx. Upon which the petitioner made request to pay her salary so that she can take another accommodation for residence; whereas the respondent had already paid Rs.1,02,880/- as salary to the petitioner upto May 2015 through cheque No.379325 dated 13.12.2018 and remaining salary has not been given to her, because a sum of Rs.1,11,200/- as rent is due towards the petitioner of the said building, but the petitioner despite of order to vacate the building she was/ is illegally residing in the said building.

4. That the petitioner has also filed a civil suit against the answering respondent in Civil Court, Bhiwani which is pending and also filed claim statement before Labour Court Hisar for the same facts and ground, which is also pending.

5. *That in view of the facts mentioned above, the present writ petition of the petitioner is liable to be dismissed, having no merits in it.”*

3. To be noted, the aforesaid assertion in the return has not been controverted by filing further affidavit and/ or replication.Learned State counsel argues on the same lines as the pleaded defence.

4. In any case, there are no grounds for interference in the extraordinary writ jurisdiction since petitioner has simultaneously also filed a civil suit qua the same claim as herein, as well as, taken up her cause before the Labour Court. Be that as it may, petitioner is at liberty to pursue her alternative remedy *qua* which she has already taken recourse.

5. Dismissed accordingly.

(ARUN MONGA)
JUDGE

September 13, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No