

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 4728 of 2023

Date of Decision: 10.04.2023

Baljit Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Lajwant Singh Virk, Advocate
for the petitioner(s).

Mr. Gurpreet Singh, Additional Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. This writ petition has been filed with the following substantive prayers:-

- “i) Issuance of a Writ, Order or direction in the nature of Mandamus, for directing the respondent No.1 and 2 to release the salary and subsistence allowances along with arrears and interest in favour of petitioner; And
- ii) For issuance of direction to the respondents No.1 and 2 to pass a speaking order in view of the self declaration/reply dated 21.12.2022 (Annexure P-12) submitted by petitioner in response to letter dated 21.12.2022 issued by respondent No.2, in accordance with law.”

2. On 27.03.2023, the following order was passed:-

“The learned State counsel submits that the instructions have been issued for release of the pending salary and the payment shall be released within a period of one month,

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positively, from today.

The learned counsel representing the petitioner submits that the respondents are releasing the salary as per the pay scale in the year 2010 without notionally calculating the increments. The learned State counsel admits that fact and prays for a short adjournment to justify the stand taken.

List on 10.04.2023 for further hearing, in the urgent list.”

3. The learned State counsel submits that the salary of the petitioner as per the pay scale in the year 2010 has already been released, whereas, the remaining payment, as per the pay scale payable to him in the year 2023, shall be released within a period of 15 days from today.

4. The next prayer of the petitioner is with regard to the payment of the subsistence allowance.

5. It is not in dispute that the petitioner is facing a fresh criminal prosecution pursuant to the order of remand passed by the High Court which is stated to be pending.

6. Keeping in view the aforesaid facts, the petitioner shall be at liberty to revive his request for payment of subsistence allowance once the judgment of the trial Court is passed.

7. With the observations made above, the present writ petition is disposed of.

(Anil Kshetarpal)
Judge

April 10, 2023
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No