

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

CWP-15732-2022

Date of decision : 08.05.2023

Om Prakash Sharma

...Petitioner

Vs.

Union of India and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Sharma, Advocate for the petitioner.

Mr. Shivoy Dhir, Sr.Panel Counsel
for the respondents-Union of India.

MANOJ BAJAJ, J.

By means of this writ petition filed under Article 226 Constitution of India petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the order dated 08.06.2022 (Annexure P-9), whereby his representation dated 11.04.2022 (Annexure P-6) raising the grievance relating to pay and allowances by treating the period of 1464 days as absent without leave, increments etc. was dismissed. Further, prayer is for issuance of a writ of mandamus directing the respondent No.2 to release his pay and allowances for 1464 days, increase of four years service period for pension, arrears of gratuity and increments etc.

Learned counsel submits that the petitioner had joined the post of Superintendent B&R-II, Grade-II, GREF (Border Roads Organization) w.e.f.16.12.1983 and continuously worked till 14.06.2019 and his entire service period of 36 years remained unblemished. He submits that he was not given complete service benefits and even after retirement, his pension etc. has not been fixed properly. Learned counsel submits that the petitioner was

wrongly treated absent without leave for a period of 1464 days and for this period, no pay or allowances were paid to him. He has drawn the attention of the Court to the representation dated 11.04.2022 (Annexure P-6) and submitted that his grievance was not being redressed, therefore, he approached this Court through CWP-5002-2022, wherein the respondents had given an undertaking that in case a detailed representation is given by the petitioner, the same shall be considered within a period of four weeks. Learned counsel submits that vide order dated 08.06.2022, the representation for release of dues has been dismissed, therefore, he prays that the impugned order be set aside and the respondents be directed to release the dues claimed by the petitioner in his representation dated 11.04.2022 (Annexure P-6).

After hearing learned counsel and considering his submissions, this Court finds that in the representation dated 11.04.2022 (Annexure P-6), the primary grievance of the petitioner relates to his pay and allowances for a period of 1464 days, when he was treated absent without leave. During the course of hearing, it is not disputed by learned counsel that after joining the service in December, 1983, the petitioner was discharged from service at his own request w.e.f. 28.02.1991, however, w.e.f. 01.03.1991, he was reinstated, but he reported to the unit on 01.05.1995, and at that stage by way of instructions his period of interruption from service till 01.05.1995 could not be counted as qualifying service for the purposes of service benefits. Later on, the petitioner faced disciplinary proceedings and was compulsorily retired vide order dated 14.06.2019, therefore, the claim of the petitioner that he continuously worked for 36 years is completely misplaced. Further, a perusal of the impugned order dated 08.06.2022 (Annexure P-9) shows that the entire

background of the petitioner’s service period is carefully noticed and the claim raised by him has been rightly declined.

Resultantly, this Court is not inclined to exercise the extra ordinary writ jurisdiction under Article 226 Constitution of India.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

08.05.2023
vanita

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