

CWP No.37060 of 2019

[1]

2023:PHHC:066522

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CWP No.37060 of 2019
Date of decision:09.05.2023

Rajbir and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Deepak Sonak, Advocate
for the petitioners.

Mr. Harish Nain, AAG, Haryana
for respondents No.1 to 5.

None for respondent No.6.

SUVIR SEHGAL, J. (Oral)

1. By way of present petition filed under Article 226 of the Constitution of India, petitioners have approached this Court seeking following relief:-

i) issue a writ in the nature of certiorari for setting aside the impugned office order dated 17.09.2019 (Annexure P-1) vide which petitioners have been sent on deputation to Municipal Corporation, Sonipat.

ii) for issuance of a writ of mandamus for directing the respondent No.6 to grant deputation allowance, till the petitioners are on deputation in the office of respondent No.6.

2. Counsel for the petitioners submits that on completion of deputation period, petitioners have joined their parent department, therefore, first prayer has become infructuous. He seeks and is granted permission to withdraw the writ petition qua prayer (i).

3. By making a reference to the Govt. instructions dated 01.02.2002 (Annexure R-1), counsel for the petitioners submits that the petitioners, who were working on Group-C posts and were sent on deputation to Municipal Corporation, Sonipat, are entitled to deputation allowance. Counsel submits that the petitioners have served a legal notice dated 01.10.2019 (Annexure P-2), which is pending and they would be satisfied in case a direction is issued to the official respondents to look into it.

4. On the basis of reply filed on behalf of respondents No.1, 4 and 5, State counsel has argued that the petitioners have been paid all permissible allowances, but they are not entitled to the deputation allowance. Although there is no representation on behalf of Municipal Corporation, Sonipat-respondent No.6, but perusal of the stand taken by it in its reply shows that even the Corporation is opposing this prayer, however, no reason has been given to deny the deputation allowance to the petitioners.

5. Without going into question of entitlement of the petitioners, as admittedly legal notice has not been responded to, writ petition is disposed of with a direction to respondent No.6 to examine the legal notice dated 01.10.2019 (Annexure P-2) within a period of four months from the date of communication of copy of this order. In case the said respondent finds that

the claim is unsustainable, a speaking order be passed within the aforesaid period and in case, respondent concerned finds that the petitioners are entitled to the deputation allowance, same be disbursed to the petitioners within a period of two months thereafter.

May 09, 2023
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>