

2024:PHHC:020095

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-3084-2024 (O&M)

Date of decision: 13.02.2024

Ram Pyari

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. HPS Ishar, Advocate for the petitioner.

AMAN CHAUDHARY J.

1. The prayer in the present Civil Writ Petition under Articles 226/227 of the Constitution of India, is to issue a writ in the nature of mandamus directing the respondents to release the arrears of salary to the petitioner.

2. Learned counsel would contend that the respondents are not releasing arrears of salary to the petitioner after completion of 2 years of probation treating the date of joining as 21.04.2017, though it has been released in the case of similarly circumstanced employee, namely, Monika, who also joined on the post of Staff Nurse. In this regard, a legal notice dated 20.11.2023 (Annexure P-5), has been served upon the respondents, which has not yet evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to the respondents to decide the same in a time bound manner by granting her an opportunity of hearing.

3. Notice of motion.

4. At the asking of the Court, Mr. Gagneshwar Walia, Addl. AG, Punjab accepts notice on behalf of the respondent-State and has no objection to the

limited prayer made.

5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider the legal notice dated 20.11.2023, Annexure P-5 and decide the same, taking note of the case of a similarly situated employee, within a period of 3 months and if found entitled, necessary benefit be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner.

13.02.2024

ashok

**(AMAN CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No