

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-6522-2024

Date of Decision :19.03.2024

Manoj Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Harish Nain, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, grievance of the petitioners is that the respondents have wrongly rejected the claim of the petitioners for the grant of salary for the period they have actually discharged their duties.

2. Learned counsel for the petitioners submits that as per the impugned order dated 10.01.2024 (Annexure P/12), wherein it has been mentioned that no extension in service was given to the petitioners starting from 01.04.2021 and all the salary in respect to the said period has already been given to the petitioners, whereas the petitioner's services were only terminated by the respondents vide order dated 18.08.2021 (Annexure P/7), which itself shows that after 01.04.2021 despite there being no approval to continue in service, petitioners were in service upto 18.08.2021 hence, the respondents were under an obligation to grant the petitioners salary for the period for which, they actually discharged their duties before they were relieved from service.

3. Notice of motion.

4. Mr. Harish Nain, AAG, Haryana accepts notice on behalf of the respondents and submits that though, impugned order dated 10.01.2024 (Annexure P/12) has been passed and nothing has come on record that after 01.04.2021, the petitioners have discharged their duties or not. Hence, the said eventuality will also be considered afresh by the competent authority and in case, it is found that the petitioners have actually discharged their duties after 01.04.2021, they will be paid salary up to the date they actually discharged their duties and in case the facts are otherwise, the same will be brought to the notice of the petitioners by passing an appropriate speaking order within a period of 08 weeks from the date of receipt of copy of this order and while considering the claim of the petitioners experience certificates dated 18.07.2023 Annexures P/1 and P/2, which have been issued to the petitioners according to which, the petitioners have actually discharged their duties after 01.04.2021, will be kept in mind.

5. Learned counsel for the petitioners submits that keeping in view the statement made by learned counsel for the respondents, present petition may kindly be disposed of having been not pressed any further.

6. Ordered accordingly.

March 19, 2024

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/Now