



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

CWP-11926-2019 (O&M)

Date of Decision : 29-11-2024

REEMA SINGAL

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. A.K Khunger, Advocate
 for the petitioner.

Mr. Satnampreet Singh Chauhan, DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the challenge is to the order dated 15.02.2019 (Annexure P-10) by which, the claim of the petitioner is for grant of arrears of the conveyance allowance, which is admissible to a handicapped employee, has been denied to the petitioner.

Learned counsel for the petitioner submits that the petitioner was appointed as an ETT Teacher in a Handicapped Category in December, 2001. The petitioner continued working with the respondents. As per the Instructions issued by the Government of Finance dated 15.06.1982, a handicapped employee was entitled for the grant of conveyance allowance but the said allowance was not paid to the petitioner after her appointment. The petitioner came to know about her entitlement in the year 2017 and raised the said plea. The petitioner has been granted the said benefit from the year 2015 onwards but she is entitled for the said benefit from 2001 to 2015 but the said benefits has not been extended to the petitioner on the ground

that the petitioner never claimed the same for the period in question. The claim of the petitioner has been rejected vide order dated 15.02.2019, copy of which has been appended as Annexure P-10.

Learned counsel for the petitioner argues that once, the petitioner was entitled for conveyance allowance being Handicapped employee as she was listed in the said category itself, the respondents were under obligation to grant her the benefit as per her entitlement.

Learned counsel submits that merely that the petitioner never knew about the same, cannot be a ground to deny the petitioner the benefit of the said conveyance allowance admissible to her starting from 03.01.2002 till the year 2015.

Learned counsel for the respondent on the other hand submits that once the petitioner never claimed the said benefit, she cannot be allowed the arrears, as the petitioner has claimed the same at a belated stage in the year 2017, the same has been granted from the year 2015 hence, the claim of the arrears of the conveyance allowance from 2001 onwards till 2015 may kindly be rejected.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

It is the duty of the employer to pay an employee the remuneration including the salary as well as other allowance according to the entitlement to an employee concerned.

Once, on the date when the petitioner joined as ETT Teacher being selected under the Handicapped quota, it was the duty of the respondents to fix the salary as well as the allowances admissible to the petitioner keeping in view the Rules governing the service as well as the

Instructions. It is not the case of the respondents that the petitioner became only entitled for the grant of conveyance allowance in the year 2015 and not any other date prior to that. The only argument being raised by the respondents is that the petitioner never claimed the same.

It may be noticed that the entitlement of an employee need not be claimed but becomes the responsibility of the employer to be paid to the said employee. Once, the petitioner was selected in the handicapped category, the respondents were under obligation to fix her salary as well as the allowances admissible to the handicapped employee keeping in view the Rules governing the service and the Instructions for grant of conveyance allowance to a handicapped employee at the time of his initial appointment itself.

Hence, the impugned order dated 15.02.2019 (Annexure P-10) is liable to be set aside.

The respondents are directed to grant the petitioner the arrears of the conveyance allowance starting from the date of her appointment till the date the respondents started paying her the same i.e. 2015 along with arrears.

Let the order be complied with within a period of 8 weeks from the receipt of copy of this order.

No other argument is raised.

The present petition is allowed in above terms.

29-11-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO