

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CWP-24680-2015 (O&M)

Decided on :05.02.2024

Rajinder Kumar Mohindra

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Karan Nehra, Advocate
for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. Present Civil Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a writ in the nature of mandamus directing the respondents to release the pending salary of the petitioner as prayed in the writ petition.
2. On 18.01.2024, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has submitted that as per order dated 10.12.2019, the respondent authorities were directed to take a decision with respect to the remaining period i.e., 18.07.2014 to 03.09.2014 and 25.09.2014 to 17.03.2015 on the aspect as to whether the same has been considered as duty period or not, but no such decision has been taken nor any amount regarding the same has been released. It is further submitted that certain orders dated 03.02.2023 and 09.10.2023 are stated to have been passed but the copy of the same has not been supplied.

Learned State counsel, on instructions from Jeevanjot Singh, SDO, Water Resources Department,

Punjab, has submitted that an affidavit would be filed on or before the next date of hearing in compliance to the order dated 10.12.2019 and the copies of the order dated 03.02.2023 and 09.10.2023 would be attached along with the said affidavit.

Adjourned to 05.02.2024.

To be taken up at 12:00 noon.

It is made clear that in case the present order is not complied with, this Court would consider to impose cost on the State of Punjab and the official at fault.”

3. Learned counsel for the petitioner has submitted that as per the order dated 06.07.2020, which has been supplied alongwith the affidavit in the Court today, which has been taken on record, the said period has been treated as leave of the kind due. It is further submitted that vide Annexure R4/T which is a decision dated 09.10.2023, 5% reduction in pension for 10 years has been awarded against the petitioner, which the petitioner wishes to challenge. It is further submitted that the petitioner is also aggrieved of the order dated 06.07.2020 and also seeks to challenge the same. It is submitted that there are certain other grievances of the petitioner including the non grant of interest and thus, prays that the present petition be disposed of as having been rendered infructuous but liberty be granted to the petitioner to institute the appropriate proceedings in accordance with law for challenging the abovesaid orders dated 06.07.2020 and 09.10.2023 and also for redressal of the grievances which still subsist.

4. Learned State counsel has no objection to the said course of action.

5. In view of the same, the present petition is disposed of having been rendered infructuous with the liberty as prayed for.
6. Pending miscellaneous application, if any, shall stand disposed of with the abovesaid order.

(VIKAS BAHL)
JUDGE

05.02.2024
Mehak

<i>Whether reasoned/speaking?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>