



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CWP-7505-2017

Date of decision 30.08.2024

Niranjan Singh

.....Petitioner

Versus

Pepsu Road Transport Corporation and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Ms. Anamika Sheoran, Advocate for
Mr. Vikas Singh, Advocate for the petitioner.

Mr. Anil Kumar Sharma, Advocate for the respondents.

NAMIT KUMAR, J.

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India claiming the following relief :-

“A writ of mandamus or any other appropriate writ, order or direction directing the respondents to make payment to the petitioner of his pay and allowances since 13.01.2014 and to provide duty to the petitioner.”

2. On issuance of notice of motion, short reply on behalf of respondent No.1 has been filed, wherein it has been stated as under :-

“xx xx xx xx xx

3. *That the prayer in the writ petition is for issuance of directions to the respondent to make payment to the petitioner of his pay and allowances since 13/01/2014 and provide duty to the petitioner.*

4. *That the main grievance of the petitioner is that inspite of the award dated 13/01/2014, the petitioner was taken back in service on 29/07/2015 and further in the terms of the award was entitled to wages w.e.f. 13/01/2014.*

5. *That it is humbly submitted that Ld. Industrial*



Tribunal directed the answering respondents to reinstate the workman with continuity of services without back wages. It was further directed that the workman shall report for duty within 30 days of publication of the award. It is relevant to mention here that the petitioner made representation dated 15/05/2014 for permitting him to join the duty. It is submitted that the corporation preferred CWP No.6027 of 2015 against the award dated 13.1.2014 and the same was dismissed on 1.4.2015 and thereafter the case of the petitioner was processed. The petitioner joined the duty on 29.7.2015 and as such is entitled for salary w.e.f. 29.7.2015. It is further submitted that the salary for the period from 29/07/2015 till 31/12/2015 has been paid to the petitioner.

6. *That in the month of 2016, the petitioner remained absent from 25/01/2016 to 31/01/2016 and for the remaining period salary has been paid to the petitioner.*

7. *That similarly in the month of February 2016, the petitioner remained absent for 17 days without getting the leave sanctioned and for the remaining period the salary has been paid.*

8. *That so far as the salary for the months of March and April 2016 is concerned, it is submitted that the salary has been adjusted towards the recovery which was imposed vide order/letter no.13216 dated 15.12.2016 for having committed embezzlement of Rs.110/- on account of not issuing the tickets to the passengers and as such nothing remains to be paid to the petitioner for the months of March and April 2016.*

9. *That even nothing is due to be paid for the month of May and June 2016 as the entire salary has been paid after making necessary deductions.*

10. *That another recovery of Rs.1000/- and Rs.2000/- was imposed on the petitioner for having committed embezzlement of Rs.10/- and Rs.20/- respectively on account of non issuance of tickets to the passengers and accordingly after adjustment of the said amount nothing is due to be paid for the month of July 2016.*

11. *That petitioner absented from the duty w.e.f. August 2016 and has not reported for duty till date and as such nothing is due to be paid by the corporation on account of salary to the petitioner.*



12. That the petitioner has committed embezzlement on various occasions by not issuing tickets to the passengers and the corporation vide letter no.13216 dated 15/12/2016 imposed a fine of Rs.11000/- on account of having committed embezzlements of Rs.110/- by not issuing tickets to the passengers.

13. That the petitioner again committed fraud of Rs. 150/ by not issuing tickets to the passengers. The petitioner was terminated vide order no.-284 dated 04/08/2016 and thereafter was again reinstated on date 14/09/2016 subject to the decision in the pending enquiry. So the salary for the period from 04/08/2016 to 14/09/2016 remains to be paid. It is relevant to mention here that enquiry is still pending, but the petitioner has not joined the same for the reason best known to him and inspite of the letters no. 4411 dated 24/03/2017, 461 dated 8.5.2017, 580 dated 16.5.2017 and 781 dated 2.6.2017 for joining the enquiry proceedings.

14. That thereafter the petitioner committed embezzlement of Rs.80/- on account of not issuing tickets to the passengers and same was reported on 29/09/2016. The enquiry is pending with regard to the same and the petitioner has not joined the enquiry till date inspie of the letters no. 542 dated 11/05/2017, 644 dated 22.5.2017, 782 dated 2.6.2017 and 903 dated 14.6.2017 for joining the enquiry proceedings. The petitioner has not joined the duties after the receipt of report of embezzlement on account of not issuing the tickets to the passengers on 29/09/2016 and till date has not reported for duty.

15. That the corporation had even issued notice dated 21/11/2016 to the petitioner as to why the services be not terminated for causing loss to the corporation. The petitioner filed reply on 04/01/2017 to the same.

16. That so far as the prayer of the petitioner that he be permitted to join the duty is concerned, it is submitted that the petitioner has not joined the duty after 29/09/2016 on his own.

xx xx xx xx xx”

3. Learned counsel for the respondents submits that for the period from 07.05.2014 to 31.01.2015, a sum of Rs.23,777/- has been paid to the petitioner vide cheque No.039017 dated 02.03.2021 and for



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the period from 01.02.2015 to 28.07.2015, a sum of Rs.15,939/- has been paid to the petitioner vide cheque No.039018 dated 02.03.2021. He further submits that for the period from 04.08.2016 to 14.09.2016, if the salary has not been paid to the petitioner, the same shall be paid within a period of 02 months from today.

4. In view of the above, the instant petition has been rendered infructuous and the same is disposed of accordingly.

30.08.2024
Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No