



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

224+106

**CWP-24693-2019 (O&M)
Date of decision : 28.08.2024**

Dharminder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. K.S. Derabassi, Advocate for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Mr. Buta Singh Bairagi, Advocate for respondent No.3.

NAMIT KUMAR, J. (Oral)**CM-14839-CWP-2023**

Prayer in the instant application filed under Section 151 of CPC is for placing on record some relevant documents as Annexures R-3 to R-6.

Allowed as prayed for subject to all just exceptions.

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1. The present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India for claiming the following relief :-

“A writ in the nature of mandamus directing respondent No.2 to consider the claim of the petitioner as per notification dated 13.08.2014 issued by Department of Finance, Government of Punjab (Annexure P-5) and existing DC rate of U.T. Chandigarh dated 29.07.2015 in the intervening period from 01.04.2015 to 31.03.2016 (both days inclusive) (Annexure P-6) and to make the payment of

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a sum of Rs.1,73,514/- with interest @ 18% per annum as an arrears of his salary during the period of March, 2016 to February, 2018 and Rs.3,00,000/- for harassment, termination of services illegally and ruining the future of the petitioner.”

2. Brief facts of the case, as have been pleaded in the petition, are that in pursuance to the advertisement issued by respondent No.2, petitioner was appointed as Clerk on 18.03.2016 and he joined as such on 21.03.2016. However, he was paid a monthly salary of Rs.10,000/- instead of Rs.16,380/- which was given in the advertisement and was applicable to the petitioner as per D.C. rates applicable in U.T. Chandigarh. The claim raised in the present petition is that the petitioner is entitled for difference of salary along with interest.

3. In application bearing No.CM-14839-CWP-2023 filed by the respondent-State, it has been stated that the difference of salary along with 6% interest has been paid to the petitioner. Para 3 to 5 of the said application reads as under :-

“3. That in compliance to the aforementioned order dated 31.01.2023 whereby short affidavit by Principal Secretary, Department of Defence Services Welfare Punjab was filed before this Hon’ble Court and subsequently, the petitioner was called on 10.04.2023 or any day before 15.04.2023 to collect the arrears along with the interest. It is further submitted that emoluments of the petitioner re-calculated as per Chandigarh DC rate as per relevant rules and regulation, the arrears have been accordingly calculated. In relation to the same, the photocopy of the



letter dated 28.03.2023 is annexed herewith as Annexure R-3. Subsequently, the petitioner visited the office of answering respondent on 12.04.2023 but he didn't collect the cheque for an amount of Rs.1,88,848/- despite repeated reminders. The relevant calculation of Rs.1,88,848/- as 'Arrears' due to petitioner is as under :-

Sr. No.	Nature of Amount	Balance (Chandigarh DC rates from 21.03.2016 to 01.03.2018)	Interest @ 6% per annum from 32 months (from 01.03.2018 to 31.10.2020)	Total Amount
1.	Balance dues to the difference of Chandigarh DC rates from 21.03.2016 to 01.03.2018	Rs.1,62,800/-	Rs.26,048/-	Rs.1,88,848/-

4. That subsequently vide the cheque No.882768 dated 10.04.2023 for an amount of Rs.1,88,848/- along with the interest has been delivered to the petitioner vide letter dated 26.06.2023. In relation to the same, photocopies of the letter dated 26.06.2023 and cheque dated 10.04.2023 are annexed herewith as Annexure R-4 and Annexure R-5 respectively.

5. That it is pertinent to mention here that according to the banking statement of the account of the answering respondent, the above cheque dated 10.04.2023 (annexure R-5) has been encashed by the petitioner. The photocopy of the statement of account of answering respondent under the relevant entry is annexured herewith as Annexure R-6. Thereby the instant petition is likely to be dismissed as rendered infructuous.”

4. Since the relief claimed in the present petition has already been granted to the petitioner as he has already been paid the difference



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of salary i.e. Rs.1,62,800/- for the period from 21.03.2016 to 01.03.2018 along with interest @ 6% per annum amounting to Rs.26,048/- for the period from 01.03.2018 to 31.10.2020, therefore, in this view of the matter, the instant petition has been rendered infructuous.

5. Disposed of as having become infructuous.

28.08.2024
Kothiyal

(NAMIT KUMAR)
JUDGE

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