

236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21052-2023
Date of decision: 26.09.2024

PARVEEN KUMAR

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Anoop Kumar Yadav, Advocate for the petitioner.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

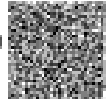
Mr. Piyush Bansal, Advocate for respondents No.2 to 4.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondent-Nigam to release the salary of the petitioner with effect from September, 2017 to 30.05.2019 along with interest @ 18% per annum within a stipulated period with a further prayer to direct the respondent-Nigam to reinstate the petitioner on the post of Data Entry Operator.

2. Learned counsel for the petitioner submitted that the petitioner worked as a Data Entry Operator in the respondent-Nigam from September, 2017 to 30.05.2019, regarding which he is entitled for salary but the same has been denied by the respondent-Nigam.

3. On the other hand, learned counsel for respondents No.2 to 4 while referring to the written statement filed on behalf of respondents No.2 to 4 submitted that it is a case where the petitioner has never worked with the



respondent-Nigam and in fact it is a case where the father of the petitioner was working as UDC in the respondent-Nigam and because of his ill health, the petitioner used to accompany him in the office. He further submitted that the petitioner may have got some of his attendance marked but he was neither employed in the respondent-Nigam nor was he in any way associated with the respondent-Nigam and in this regard, he has given an affidavit dated 17.01.2020 (Annexure R-2/1), which is a duly sworn affidavit before the Executive Magistrate, wherein it has been stated by the petitioner that because of physical problem, his father was not able to perform his duties and as he was having experience of computer work, he use to visit the office of his father for helping him in office work. He further submitted that the petitioner has also stated in the aforesaid affidavit that he does not want any claim from the respondent-Nigam in lieu of the work done by him in order to help his father and in view of the aforesaid affidavit which the petitioner has rather sworn before the Executive Magistrate, the present writ petition is misconceived and unsustainable and is liable to be dismissed.

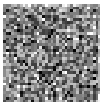
4. I have heard the learned counsels for the parties.

5. Before proceeding further, the aforesaid affidavit dated 17.01.2020 (Annexure R-2/1), which has been attached along with the written statement filed on behalf of respondents No.2 to 4, is reproduced as under:-

Affidavit

I Parveen S/o Somdutt UDC (SDC) resident of village Rly station Kosli Tehsil Kosli Distt. Rewari Haryana, do hereby solemnly, affirm and declare as under: -

1- That My father is working as UDC/SDC in the office of SDO/OP Sub division DHBVN Kosli



2- *That due to age and physical factor my father is unable to perform his duty, being his son and perfect in computer work I usually visited in the office of my father for helping his office work. I was never appointed by the Nigam to do any work on behalf of Nigam in the office of SDO/OP Sub division DHBVN Kosli.*

3- *I understand that I am not entered to get any claim from the Nigam work done by me to help my father.*

4- *That I do not make any complaint or predation regarding recovery or any other relief or claim from the Nigam or any officials of the Nigam in future.*

5- *That content of my present affidavit are deposed by me under without any fare and pressure*

Deponent

Verification: - *Verified at **Kosli** on this that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.*

Deponent

6. The petitioner is seeking salary for the aforesaid period i.e. September, 2017 to 30.05.2019 but as per the aforesaid affidavit, which has been executed by the petitioner in the year 2020, the position is stated to be otherwise. The petitioner has neither filed any replication nor any rejoinder to the written statement filed on behalf of respondents No.2 to 4 nor he has taken up any plea with regard to the fact as to whether the aforesaid affidavit was a genuine affidavit or not, although it has been stated to be executed before the Executive Magistrate.

7. In view of the aforesaid position, the present writ petition is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

26.09.2024
Chetan Thakur

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No