



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

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**CWP-31473-2019 (O&M)
Date of Decision: 03.09.2024**

Rajinder Kumar Kakkar

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. K.R. Dhawan, Advocate
for the petitioner.

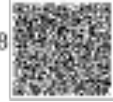
Mr. Amarpreet Singh Bains, AAG, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner was entitled for extension in service but, keeping in view the disciplinary proceedings pending against him, he has not been granted extension, which is arbitrary and illegal.

2. Learned counsel for the petitioner submits that though the petitioner attained the age of superannuation on 30.09.2019 but he continued working upto 01.11.2019 and, therefore, the salary for a period of one month has not been released.

3. Learned counsel for respondent submits that keeping in view the fact that he was facing department proceedings, once the petitioner was not



entitled for extension, even if the petitioner has worked, the same was without jurisdiction and therefore no salary can be allowed to him.

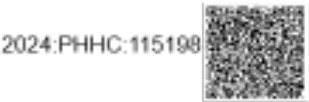
4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. In case, the petitioner was not to be granted extension, he should have not been allowed to continue in service after 30.09.2019. Once, the petitioner has discharged the duties for a period of one month, he will be entitled for the salary for the same. An employee who has performed the duties, be paid the salary for the post in question.

6.. Further, once the relieving report of petitioner is of 01.11.2019 (Annexure P-9), it is clear that the petitioner worked for a period of one month which fact goes unrebutted. Hence, the respondents are directed to release one month's salary to the petitioner for the month of October, 2019 for which he has discharged the duties.

7. With regard to the pensionary benefit, in case any of the pensionary benefit of the petitioner is still to be released, the same be released and in case, it is found that the pensionary benefits were delayed without any valid justification, he will be at liberty to file appropriate representation with the respondents to claim interest and in case any such representation is filed, the respondents will decide the same in accordance with law by keeping in mind the judgment of the Full Bench of this Court in **A.S. Randhawa vs. State of Punjab 1997(3) SCT 468** as well as of the Coordinate Bench in **J.S. Cheema vs. State of Haryana, 2014 (13) RCR (Civil) 355** and within a period of eight weeks of the receipt of the same by passing appropriate order.

8. The present petition is disposed of in the above terms.



9. Pending applications, if any, also stands disposed of.

03.09.2024
Satyawan

(HARSIMRAN SINGH SETHI)
JUDGE

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