



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

280

CWP-23897-2024

Date of Decision: 13.01.2025

Dharam Pal

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Ms. Rahish Pahwa, Advocate,
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

Ms. Nikita Goel, Advocate,
for respondent Nos.2 to 4.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of Constitution of India is seeking setting aside of Memo No.3533 dated 19.07.2024 and direction to respondent to pay his salary for the months of July and August' 2024.

2. Ms. Rahish Pahwa, learned counsel for the petitioner submits that petitioner is going to retire on 31.05.2025. The respondent wrongly and without jurisdiction has withheld his salary from July' 2024 onwards. He is dependent upon his salary. The respondent may impose minor or major penalty for absence from duty but without following procedure prescribed by law and in the



absence of any specific provision empowering to withhold salary, cannot deprive him from his vested right of salary.

3. *Per contra*, Ms. Nikita Goel, counsel for respondent Nos.2 to 4 submits that petitioner submitted fabricated documents to remain absent from duty. He is not entitled to salary for the period of absence from duty.

4. On the asking of the Court, Ms. Goel submits that competent authority would grant opportunity of hearing to petitioner within two weeks from today and thereafter within two weeks pass speaking order with respect to his entitlement of salary.

5. Learned counsel for the petitioner agrees with aforesaid arrangement.

6. In the wake of statement of both sides, the present petition stands disposed of.

13.01.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

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