



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

COCP-3143-2024 (O&M)
Date of Decision: May 21, 2026

S.D. Anand

.....Petitioner

Vs.

T.V.S.N Prasad, Chief Secy to Govt of Haryana and anr.Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. J.S. Ghumman, Advocate
for the petitioner.

Mr. Harish Nain, A.A.G. Haryana.

SUDEEPTI SHARMA J. (Oral)

In compliance of order dated 04.05.2026, Sh. Sudhir Rajpal, ACS, Environment, Forest and Wildlife Department, Haryana is present in the Court.

1. The present contempt petition has been filed for non-compliance of order dated 03.02.2022 passed by learned Single Judge of this Court in CWP No. 2388-2019, which was affirmed by Division Bench of this Court in LPA No. 481-2022, vide order dated 04.12.2023. The relevant portion of order dated 03.02.2022 is reproduced as under:-

“25. With these observations, the writ petition is partly allowed. It is directed to the respondents that the petitioner be treated at par with and paid his dues in terms of appointment letters issued to the Chairman of the Haryana Tax Tribunal and Chairman of Haryana Backward Classes Commission.”

The relevant portion of order dated 04.12.2023 are reproduced as under

“7. In the facts of the present case, while allowing the petition, learned Single Judge has observed that only a serving



Judge of the High Court or a former Judge is eligible to be appointed on the post of President of the Appellate Authority of HSPCB. Moreover, it was not the case of the State Government that the post of President of Appellate Authority of HSPCB is not a statutory post. When a retired Judge of the High Court is appointed as President of the Tribunal, he has to be given the same salary and other perks as are given to the sitting Judge.

8. After going through the contents of appeal as well as the impugned judgment, this Court is of the view that the appellant-State has been rightly directed to pay all the dues to the petitioner-respondent in terms of appointment letters issued to the Chairman of the Haryana Tax Tribunal and Chairman of Haryana Backward Classes Commission. Hence, no ground is made out to interfere in the well reasoned judgment passed by learned Single Judge.

9. Resultantly, finding no merits, present appeal stands dismissed.”

2. In compliance of the above referred to order, learned State counsel has filed affidavit dated 19.05.2026 on behalf of respondent No. 2 in the Court today and the same is taken on record, copy whereof has also been supplied to learned counsel for the petitioner. Registry is directed to tag the same at an appropriate place.

3. The relevant portion of affidavit dated 19.05.2026 is reproduced as under:

“4 That on the basis of information provided by the above said two departments/calculations regarding pay and allowances and other perks have been made for the period 19.04.2017 to 17.09.2019, which comes out to Rs. 57,39,188/-. The amount paid to the petitioner in the tabular form as under:-



Sr. No.	Amount Paid (in rupees)	Date of payment/cheque details	TDS deducted (in rupees)
1.	24,68,950	18.10.2019 Cheque No. 996062	10,58,000/-
2.	18,67,818	08.10.2024, Cheque no. 217118	3,44,420/-
3.	43,36,768/-		14,02,420/-

5. That vide letter dated 10.10.2024 (Annexure R-2/4), the petitioner has requested that the following amount is still payable to the petitioner:-

- i. Amount of five number of LTCS.
- ii. Amount payable as fuel charges (at the rate prevalent during the period of petitioner held office).
- iii. Salary of the driver prior to the department started paying him. During the period prior to his appointment, the petitioner paid salary to him out of his own pocket. However, the amount admissible to an employee of identical placement in the department may be paid.

6. That in regard to the payment mentioned at Sr. No. (i), it is submitted that, Rule 7 A of the High Court Judges Travelling Allowance Rules, 1956 is reproduced as under:-

"7-A. Notwithstanding anything contained in rule 5, a judge of the High Court shall be entitled to leave travel concession for himself. his wife and dependent members of his family for visiting any place in India (including permanent residence in his home state) during his leave, twice a year, in accordance with the rules applicable in



this regard to a member of the Indian Administrative Service holding the rank of Secretary to the Government of the State in which the principal seat of the High Court is situated"

In the above said rule, it has also been mentioned as under:

"Provided that a Chief Justice and a transferred Judge shall be entitled to an additional (third) leave travel concession to visit his permanent residence in his home State in a year.

Provided further that a Judge and his wife shall have the option to travel by air or by air-conditioned first class when travelling by railway, dependent members of the family shall also be allowed to travel with either of them by air or air-first class, when the judge or his wife travels on leave travel concession hey can travel independently while travelling by air)"

From the perusal of above said rule, it is clear that the amount of LTC is to be reimbursed after performance of journey by the Hon'ble Judges of the Punjab and Haryana High Court.

The relevant part of letter No. 24/101/04-Jds dated 16.04.2006, issued by Department of Justice, Ministry of Law and Justice, Government of India is reproduced as under:

"It has now been decided that the provisions contained by Ministry of Home Affairs [O.M.No. 43/5/57-Esti\(A\)](#) dated 11.02.2005 providing for re-imbusement of expenditure, journeys performed by private cars shall continue to do so in



the case of Judges of Supreme Court & High Courts of the Department of Personnel and Training. O.M. No. 11/2/04-Exit(A) dated 11.07.05 may, therefore, be treated certified to that extent in the case of Judges of Supreme Court & High Courts of Delhi & Punjab and Haryana"

That as regard to payment of fuel charges, it is submitted that as per report received from the Haryana State Pollution Control Board, petitioner has been paid Rs. 4,32,527.09/ @200 Ltrs. per month on 19.11.2024. (Copy of calculation sheet is being enclosed herewith as Annexure-R 2/2).

8 That as regard to salary of Driver from 19.04.2017 to 11.05.2017 (23 days), the petitioner has been paid Rs. 11,625/-on 19.11.2024.

9. That this Hon'ble Court while hearing the aforesaid contempt petition on 11.02.2025 observed that the respondents prays for weeks time to consider the claim of the petitioner with respect to LTC benefit and to pass necessary ROTARY Speaking order thereon. Consequently, the then Administrative Secretary, Environment, Forests & Wildlife Department passed necessary speaking order vide order dated 17.02.2025 observing that keeping in view the provisions of the High Court Judges Travelling Allowance Rules, 1956, the petitioner is entitled to reimbursement of the amount incurred by him on travelling for visiting any place in India after completion or availing the journey and the petitioner has not submitted any document/claim for reimbursement of LTC. Hence, LTC amount can only be given after performing the journey and without performing journey no amounts towards LTC claim can be



paid. Even otherwise, the instructions dated 18.11.2009 issued by the Haryana Government are applicable to the State Govt. Speaking employee only and not to the Judges (Retd.). A true copy of speaking order dated 17.02.2025 is annexed herewith as Annexure-R/1.

10. That this Hon'ble Court while hearing the aforesaid contempt petition on 25.02.2026 observed that the petitioner's counsel submits that all other dues stands paid and the directions stand complied with, the issue as regards the amount on account of LTC has not been resolved despite the fact that LTC could not be availed on account of the lapse of the respondent and the matter was adjourned to 02.04.2026. This Hon'ble Court while hearing the petition. on 02.04.2026 directed that in case, the issue regarding LTC is not resolved by the next date, i.e., 04.05.2026, the deponent shall appear in Court in person or through Video Conference.

11. That consequently on 04.05.2026, this Hon'ble Court observed and directed as under:-

"Despite specific directions, the respondent is not present.

Learned State counsel states that due to some miscommunication, the respondent could not appear and prays that the matter be passed over to enable the respondent appear through video conference at 2:00 PM.

It has been noticed that the liberty to respondents to appear through video is being misused as they choose to appear at the time convenient to them



That being so, the respondent is directed to appear in person in Court on the next date of hearing. Adjourned to 21.05.2026."

12. The deponent further submits that the petition is not entitled to LTC on the following:

A. That in view of the provisions of Rule 7A of the High Court Judges Travelling Allowance Rules, 1956, the petitioner or any other Hon'ble Judges of the High Court is not entitled to LTC without performing journey.

Rules 7A is reproduced as under:-

"7-A. Notwithstanding anything contained in rule 5, a judge of the High Court shall be entitled to leave travel concession for himself, his wife and dependent members of his family for visiting any place in India (Including permanent residence in his home state) during his leave, twice a year, in accordance with the rules applicable in this regard to a member of the Indian Administrative Service holding the rank of Secretary to the Government of the State in which the principal seat of the High Court is situated"

In the above said rule, it has also been mentioned as under:-

"Provided that a Chief Justice and a transferred Judge shall be entitled to an home State in a year. Provided further that a Judge and his wife shall have the option to travel by air or by air-conditioned first class when travelling by railway. dependent members of the family



*shall also be allowed to travel with either of them by air or air-conditioned first class, when the judge or his wife travels on leave oncession (or they can travel independently while travelling by air)." **

B That as submitted by the respondent before this Hon'ble Court on 11.02.2025 that the claim of the petitioner with respect to LTC benefits shall be considered and necessary speaking order shall be passed. Accordingly, vide order dated 17.02.2025 the claim of the petitioner has been rejected. Moreover, there is no specific direction with regard to payment of LTC. The writ Court has only directed that the petitioner be treated at par with and paid his dues in terms of appointment letters issued to the Chairman of Haryana Tax Tribunal and Chairman of Haryana Backward Classes Commission. A perusal of speaking order dated 17.02.2025 would reveal that there is specific mentioned that as per recorded provided by the Haryana Backward Class Commission LTC was given only after performing the journey by the Chairman and similarly the Tax Tribunal conveyed that no LTC was given to the Chairman. The petitioner has not submitted any claim with regard to reimbursement of LTC. It is also submitted here that is case the petitioner submits any document in regards to the performance of journey by him, the necessary payment remuneration will be made to the petitioner by the department.



13. That the order dated 03.02.2022 in CWP-2388-2019 of this Hon'ble High Court has duly been complied with by the competent authority.

It is further submitted that the deponent holds the Hon'ble Court in the highest esteem an article of faith and justice and can never by violate or disobey the directions passed by this Hon'ble Court. If this Hon'ble Court feels that the directions passed by this Hon'ble Court have not been fully complied with by the deponent, the deponent tenders an unconditional and unqualified apology before this Hon'ble Court.”

4. A perusal of the above referred to affidavit dated 19.05.2026 shows that order dated 03.02.2022 passed by learned Single Judge of this Court in CWP No. 2388-2019 and order dated 04.12.2023 passed by Division Bench of this Court in LPA No. 481-2022 have been duly complied with.

5. Accordingly, the contempt is purged. Rule is *discharged*.

6. Pending application (s) if any also stands disposed of.

May 21, 2026

Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking
Whether reportable

: Yes/No
: Yes/No