
(2011) 04 SHI CK 0088
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 11323 of 2008

Yashwant Singh

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 06-04-2011

Acts Referred:

Constitution of India, 1950 — Article 300A

Citation : (2011) 04 SHI CK 0088

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Rajiv Sharma, J.—Petitioner was transferred from Government High School, Jiwi to Government Senior Secondary School, Sarkaghat on 18.8.2003. He was relieved from Government High School, Jiwi. He joined his duties in Government Senior Secondary School, Sarkaghat on 18.9.2003. Sh. Baldev Singh, who was transferred vice the Petitioner, filed O.A. No. 2743/2003. The learned erstwhile Himachal Pradesh Administrative Tribunal granted interim relief in his favour. In sequel thereto, Petitioner was adjusted again on 19.12.2003 in Government High School, Jiwi. He joined his duties in Government High School, Jiwi on 19.1.2004 pursuant to order dated 17.1.2004. Petitioner has not been paid his salary for the period with effect from October, 2003 to December, 2003.

2. Ms. Ranjana Parmar has drawn the attention of the Court to Annexure A-10 whereby Principal, Government Senior Secondary School, Sarkaghat has certified that Petitioner has discharged his duties in the Institution with effect from 18.9.2003 to 17.1.2004. Once the Petitioner has discharged his duties in Government Senior Secondary School, Sarkaghat before joining back in Government High School, Jiwi, he was entitled to salary. Salary is a property within the meaning of Article 300-A of the Constitution of India and the same could not be withheld by the Respondents without any authority of law. In fact, the Petitioner had obeyed all the orders passed by the competent authorities

from time to time.

3. Accordingly, in view of the observations and discussions made hereinabove, the petition is allowed. The Respondents are directed to release the salary of the Petitioner alongwith interest @ 9% per annum for the period with effect from October, 2003 to December, 2003, within a period of six weeks, from the date of production of certified copy of this judgment by the Petitioner. No costs.