



CWP-18468-2018 :1:

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

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**CWP-18468-2018 (O&M)
Date of decision : 17.07.2025**

BAHADUR SHAH

..... Petitioner

VERSUS

STATE OF PUNJAB AND ANR

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present :- Mr. Sarju Puri, Advocate and
Mr. Naseem A. Sheikh, Advocate
for petitioner.

Mr. Puru Jarewal, DAG, Punjab.

Mr. Ankit Chowdhri, Advocate and
Mr. Ishank Bansal, Advocate for
Mr. P. I. P. Singh, Advocate
for respondent No.2.

Deepinder Singh Nalwa, J. (Oral)

1. In the present writ petition, the petitioner is praying for a direction to respondent No.2-Managing Director to grant extension of service for a period of one year to the petitioner from 01.08.2018 to 31.07.2019 on the basis of the letters issued by the Punjab Government dated 08.11.2023 and 30.10.2015 (Annexure P-2 and P-3).

2. The brief facts of the case are that the petitioner was posted as a Peon in the Punjab Health System Corporation (herein after referred to as 'the Corporation'). The petitioner was to retire from service on attaining the age of superannuation i.e.60 years on 31.07.2018. Relying on the letters



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dated 08.11.2013 and 30.10.2015 (Annexures P-2 and P-3) issued by the State of Punjab, the petitioner applied for extension on 10.05.2018 (Annexure P-4) for a period of one year initially.

3. The above said request made by the petitioner was not considered. As a consequence of this, the petitioner has filed the present writ petition claiming the benefit for grant of extension in service.

4. The present writ petition came up for consideration on 27.07.2018. On that day, notice of motion was issued and meanwhile, the petitioner was permitted to continue on the premise that he has been granted extension in service with all admissible benefits w.e.f.01.08.2018. In pursuance of the above said interim order passed by this Court, petitioner continued in service till 31.07.2019.

5. The respondent has duly filed a written statement in the present case. It is the stand of respondent No.2-Corporation that the letters relied by the petitioner dated 08.11.2013 and 30.10.2015 are not applicable in the case of petitioner, as the same are only applicable to employees working in the Government departments.

6. Learned counsel appearing on behalf of the petitioner confines his arguments only for grant of salary for the period during which he rendered services i.e. from 01.08.2018 to 31.07.2019.

7. Learned counsel appearing on behalf of the respondent-Corporation submits that the reliance placed by the petitioner on the letters dated 08.11.2013 and 30.10.2015 (Annexures P-2 and P-3), on the basis of which the petitioner was claiming extension in service was not applicable in



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the case of petitioner, as the same was only applicable to the employees working in Government Department, as such petitioner would not be entitled for grant of salary for the period he worked on the basis of interim order passed by this Court.

8. Reliance has also been placed on an order dated 20.09.2018 passed by the Co-ordinate Bench in *Civil Writ Petition No.7446 of 2018 titled 'Balbir Singh Vs. State of Punjab and others'*.

9. After hearing the learned counsel for the parties at some length and after going through the record, on the issue of grant of salary to the petitioner for the period from 01.08.2018 to 31.07.2019 is concerned, a perusal of the facts of the present case would show that although, the petitioner cannot rely on the letters dated 08.11.2013 and 30.10.2015 (Annexures P-2 and P-3) for claiming extension of service as the same are not applicable in the case of petitioner, but, it is an admitted fact that on the basis of interim order passed by this Court on 27.07.2018, the petitioner has continued in service till 31.07.2019. Once the employee was willing and allowed to work under the interim order, the employee is entitled to be paid salary for the period he/she has rendered service. Reliance is placed to the judgment of Hon'ble the Supreme Court of India in *Ram Chet Verma and another Vs. The State of Uttar Pradesh and others, 2020 (3) SCT 640*. The relevant extract of the judgment is reproduced below for reference :-

“Heard the learned counsel appearing for the parties.

2. Leave granted.

3. Since the appellants have served as per the interim order, obviously they have to be paid the salary for the



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period they have rendered their services. Non-payment of salary to them for the period they have served under the interim order or otherwise would tantamount to taking begar from them, which is prohibited under [Article 23](#) of the Constitution of India.

4. Therefore, we direct that the appellants shall be entitled to salary for the period they have rendered their services. The salary, if not paid, shall be paid to the appellants within four weeks from today.

5. It is made clear that if the appellants have been paid the salary for the aforesaid period, the same shall not be recovered from them.

6. In view of the aforesaid directions, the appeal is disposed of.”

10. Taking into consideration the fact that the petitioner has worked from 01.08.2018 to 31.07.2019 on the basis of interim order, it is held that the petitioner will be entitled for grant of salary for the aforesaid period. As regards the reliance placed by the counsel appearing on behalf of respondent on the order dated 20.09.2018 passed in **Balbir Singh's case (supra)** is concerned, a perusal of the same would show that in that case, although the issue of extension was involved but the interim order passed in favour of the petitioner therein was vacated, whereas in the present case, the interim order passed by this Court dated 27.07.2018 was never vacated and on the basis of the above said interim order, the petitioner had continued in service from 01.08.2018 to 31.07.2019 on the premise that he had been granted extension in service.

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11. In view of the above, the writ petition is allowed. The respondent No.2 is directed to release the salary of the petitioner for the period from 01.08.2018 to 31.07.2019 within a period of two months from the date of receipt of a certified copy of this order.

12. Pending applications, if any, shall also stand disposed of accordingly.

(DEEPINDER SINGH NALWA)
JUDGE

17.07.2025

Rimpal

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No