

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

CWP No.19452 of 2013
Date of decision : 23.03.2015

Bijender Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Suraj Bhan Hooda, Advocate
for the petitioner.

Mr. Ravi Partap Singh, AAG, Haryana.

AMIT RAWAL, J. (Oral)

Challenge in the present writ petition is to the impugned order dated 05.07.2013 (Annexure P-10), whereby the claim of the petitioner is for payment of salary for the period of 28.04.2010 to 30.04.2012 vide which he discharged the duties of District Food and Supplies Controller (D.F.S.C.) though he was under the pay-scale of D.F.S.C., had been declined, on the ground that there was a specific clause mentioned in the order dated 29.03.2010 (Annexure P-1) that petitioner would not be entitled for any extra remuneration as well as benefits of seniority.

Mr. Suraj Bhan Hooda, learned counsel appearing on behalf of the petitioner contends that since the petitioner vide order dated 28.04.2010 (Annexure P-2) was given a full time time Incharge/Control of the District Food & Supplies Controller, therefore, the petitioner would be entitled to

salary for this period.

Mr. Ravi Partap Singh, learned counsel for the respondent contends that the petitioner was facing the charge-sheet and, therefore, he was denied to the claim and as well the promotion to the post of District Food and Supplies Controller (D.F.S.C.) which is promotional post for District Food and Supplies Officer (D.F.S.O.).

Mr. Suraj Bhan Hooda, learned counsel for the petitioner in rebuttal submits that charges served on the petitioner have been dropped. In support of his contention, he has relied upon the judgment of Hon'ble Division Bench of this Court in *Union Territory, Chandigarh Administration and others Vs. Tarlochan Singh and others, 2014(4) RSJ 22*, and as well as Full Bench of this Court in *Subhash Chander Vs. State of Haryana and others, 2012 (1) RSJ 442*.

I have heard learned counsel for the parties and appraised the paper book. It is now settled law that person who had worked on post, much less, given full charge of promotional/current duty which is higher promotional post, such person would be entitled for the salary for the said period. Reference is invited to Hon'ble Division Bench of this Court in U.T. Chandigarh (Supra) wherein this Hon'ble Division Bench of this Court has held that in case Officer is given a current duty and promoted on ad hoc basis, he was entitled to pay of the promoted post. Similar is the fact rendered by the Full Bench in Subhash Chander (Supra).

In view of what has been observed, the impugned order is not sustainable & thus set aside. The petitioner is held entitled to benefit for rendering services on higher promotional post as D.F.S.C. w.e.f. 28.04.2010

to 30.04.2012.

The present writ petition is disposed of.

It is expected that respondent-authority shall disburse the claim of the petitioner as early as possible preferably within a period of three months from the receipt of certified copy of this order.

23.03.2015

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**(AMIT RAWAL)
JUDGE**