

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

CWP No.19052 of 2015

Date of Decision: 10.09.2015

Gurdip Singh

... Petitioner

Versus

State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Varinder Shukla, Advocate,
for the petitioner.

1. To be referred to the Reporters or not? .
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The petitioner has approached this Court seeking a mandamus to the State to fix his pay correctly in the higher pay scale of Rs.6400/--10640/- under the Assured Career Progression Scheme. The benefit has been granted to similarly situated persons in the same department vide orders Annexures P-6 and P-7, but the petitioner has not been granted relief and his case has not been finalized so far despite a representation submitted by the petitioner on 17.5.2013 (Annexure P-8). Moreover, advice has been sought from respondent-1 on 12.3.2013, but the decision-maker has not decided the petitioner's case despite passage of two years.

In the circumstances, Mr. Shukla prays that a direction be issued to respondent-1 to consider and decide the representation (Annexure P-8) submitted by the petitioner to the competent authority by treating this petition as a supplementary representation in addition to the representation since the issues arising for answer have been crystallized

in the body of the petition and it would make it easier for decision making.

The request of the counsel is found to be just, fair and reasonable. Instead of wasting the time of this Court in seeking reply of the State and eliciting its response it would be appropriate to leave the matter to the decision-maker in the department in the first instance to examine the demand as it stated to be covered by the past precedent of this Court placed at Annexure P-10.

Therefore, respondent-1 is directed to call for the representation together with a copy of the present petition to be supplied by the petitioner in the office of respondent No.1 and to proceed to decide the same within 30 days of receipt of certified copy of this order. In case the amount is due and payable, the petitioner would not be required to be heard and the benefits can be granted through an office order. However, if for any reason an adverse order is contemplated then the petitioner would be heard effectively and a speaking order would then be required to be passed containing clearly stated reasons for the conclusions arrived at. In case, the amount is found to be legally due then it is directed to be disbursed to the petitioner within the next two months on expiration of the first month occupied by decision making and the amounts found due would carry simple interest @ 9% per annum with effect from the date the benefit was paid to the first employee similarly situated as the petitioner in the respondent- department.

With these directions, the petition stands disposed of.

10.09.2015**monika****(RAJIV NARAIN RAINA)
JUDGE**