

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.23370 of 2015

Date of decision: 02.11.2015

Birbal Dass Sama

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Pawan Kumar Goklaney, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks a writ of mandamus directing the respondents to grant the benefit of notional pay fixation, seniority, difference of arrears in the salary etc. to him from the date when he actually joined against the post of English Lecturer as granted to similarly situated employees.

Counsel for the petitioner submits that the petitioner had applied in pursuance of the advertisement in the year 2006 but due to rejection of BC certificate which was more than one year old, he was not appointed. The said action of the department was challenged in this Court by way of CWP No.19645 of 2006 and the same was declared illegal and the department was directed to fill up the posts on merit (Annexure P/2). Another Civil Writ Petition No.21010 of 2013 was filed in this Court by him in which direction was issued on 20.9.2013(Annexure P/8) to consider the case of the petitioner. Resultantly, the appointment order was issued on 10.7.2014 (Annexure P/9) and he joined the office of the District Education Officer, Fazilka where he is working. It is submitted that notional pay fixation and seniority etc. has not been granted to the petitioner as granted to similarly situated employees. Reliance has been placed upon the order dated 20.4.2015 (Annexure P/12) passed in case of one Raksha Devi in view of the order dated 13.2.2015 (Annexure P/11) passed in Civil Writ Petition No.2554 of 2015.

Counsel for the petitioner submits that he would be satisfied if a direction is issued to respondent no.2 to consider and decide the legal notice dated 6.8.2015 (Annexure P/13) which he has already filed for the

necessary relief before the respondents within a specified period.

Without going into merits of the case and keeping in view the limited relief sought for, the present petition is disposed off without calling the respondents to file their reply.

Accordingly, respondent no.2 is directed to take a decision on the legal notice dated 6.8.2015 (Annexure P/13) within a period of three months from the date of receipt of a certified copy of this order. Needless to say that in case the petitioner is found entitled to the benefit in question, the amount be paid within a period of two months thereafter and in case the relief is to be denied to the petitioner then reasoned order be passed by the said respondent.

The writ petition stands disposed of accordingly.

November 02, 2015
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(G.S.SANDHAWALIA)
Judge