

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 23752 of 2015
Date of decision: 04.12.2015

Jasvir Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Ranjivan Singh, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the prayer of grant of pay and allowances as admissible to the post of Valve Operator keeping in view the observations of the Apex Court in *Salvaraj vs. Lt. Governor of Island, Port Blair and others, 1998 (4) RSJ 22*.

The pleaded case of the petitioner is that the petitioner was regularized as a Chowkidar on 18.05.2012 on a Class-IV post. The petitioner was thereafter posted as a Valve Operator at Jayanti Dam vide order dated 07.05.2013 (Annexure P-6) and also forced to give an affidavit dated 06.06.2013 (Annexure P-7) that he would not raise any claim pertaining to the higher post which is a Class-III post.

A legal notice was also served on 17.08.2015 (Annexure P-9) raising the demand of the higher emoluments for the period he has worked on the said post. It is the case of the petitioner that the demand has further been forwarded to respondent no. 2 by the office of respondent no. 1 on 28.08.2015 (Annexure P-10) but no further action has been taken on the

same and he would be satisfied if a time bound decision is taken on the same.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of the respondents. Copy of the writ petition has been supplied to him in Court.

Keeping in view the limited relief sought, this Court is of the opinion that there is no need for the respondents to file reply.

Accordingly, without commenting on the merits of the case, this writ petition is disposed of with a direction to respondent no. 2 to decide the legal notice dated 17.08.2015 (Annexure P-9) within a period of 3 months from the date of receipt of certified copy of the order. In case the petitioner is found entitled for the said benefit, the same be granted with a period of 2 months thereafter. Needless to say if the relief is to be denied, a reasoned order be passed and conveyed to the petitioner.

It is, however, made clear that the claim for regularization on the post of Valve Operator is not sustainable as nothing could be brought on record to show that the petitioner was promoted as such and even otherwise, the argument raised is contrary because if the petitioner had been regularized as Valve Operator, then he would be entitled for said emoluments on his own right as such and not on the ground that he was performing the duties of a higher responsibility.

04.12.2015
shivani

(G.S. SANDHAWALIA)
JUDGE