

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP No.24416 of 2015

Sukhjeet Singh ...Petitioner

Versus

State of Punjab and others ... Respondents

2. CWP No.24439 of 2015

Baljeet Singh ...Petitioner

Versus

State of Punjab and others ... Respondents

Date of Decision: 20.11.2015

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

Present: Mr. Raj Karan Singh Verka, 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.

1. This order will dispose of CWP No.24416 of 2015 titled *Sukhjeet Singh vs. State of Punjab and others* & CWP No.24439 of 2015 titled *Baljeet Singh vs. State of Punjab and others*. The facts are taken from CWP No.24416 of 2015.

2. As a result of an anomaly in giving effect to the pay scale admissible to the post occupied by the petitioner, he is in receipt of lesser pay than his junior in service. In order to remove the anomaly and to settle

the grievance, the petitioner has made several representations since the year 2006 when the anomaly occurred and lastly he has served a legal notice dated October 12, 2015 (P-4) which has not been decided till date. The petitioner is still in service.

3. Learned counsel for the petitioner submits that his representations culminating in the legal notice deserve to be decided by the decision-maker in the respondent-Department and, therefore, he would be satisfied for his client if a direction is issued to the competent authority to decide the representations/legal notice by passing a speaking order. The prayer is accepted.

4. However, in making this order, this Court expresses no opinion on the merits of the case or on the moot point of anomaly or of the effect of delay and laches in agitating an anomaly matter arising in 2006 in the year 2015. The competent authority would address itself to this aspect as well while making the final decision. Needless to say that the petitioner would be heard by the competent authority in case an order adverse to his interest is contemplated and the final order shall be communicated to the petitioner within one week of its making. This exercise be carried out within a period of three months from the date of receipt of certified copy of this order to accommodate the necessity of affording a reasonable opportunity of hearing to the petitioner and complying with the principles of natural justice.

5. The competent authority would also examine the issue in the light of the decisions of the Supreme Court in **State of U.P. and others vs. Arvind Kumar Srivastava and others**, (2015) 1 SCC 347 and **State of Uttaranchal and another vs. Shiv Charan Singh Bhandari and others**,

(2013) 2 SCC 179 and determine whether there is a subsisting right to removal of anomaly and to consequential monetary benefits and to decide upon the grievance in accordance with law.

6. With these observations, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

20.11.2015
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