

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

CWP No.26691 of 2015 (O&M)

Date of Decision: 21.12.2015

Tarsem Lal

...Petitioner

Versus

State of Punjab and another

.... Respondents

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

Present : Mr.GPS Randhawa, 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 claims difference of arrears of pay for discharging duties of higher responsibilities while officiating as Principal ITI for a period of about three years. Even today the petitioner holds the substantive rank of Principal Grade C, but is working on officiating basis as Principal Grade B. Cites large number of decisions of this Court where such claim has been awarded. In such a situation, though the incumbent may not have a right to hold the higher post, but he may have a right to the pay of higher post if the duties and responsibilities are being discharged on the same footing. The petitioner has sent a legal notice dated 5th August, 2015 (Annexure P-2), but the same has not been heeded to so far. Learned counsel for the petitioner states that he would be satisfied if a direction is issued to the competent authority amongst the respondents to consider and decide the legal notice.

Consequently, this petition is disposed of with a direction to the decision-

maker amongst the respondents to decide the legal notice (Annexure P-2) within two months from the date of receipt of a certified copy of this order. Needless to say that in case for any reason, an adverse order is contemplated, then the petitioner would have a right to be heard and a speaking order be passed containing reasons for denying the relief to the petitioner. If the dues are found to be payable, then the same be paid with interest at the rate of 8% per annum from the date when the amount fell due till realization.

21.12.2015
MFK

(RAJIV NARAIN RAINA)
JUDGE