

Sr.No.235

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-4445-2015(O&M)

Decided on: **07.12.2015**

Sita Ram

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. J.S.Maanipur, Advocate for the petitioner.
Mr.Ashok S. Chaudhary, Addl. A.G. Haryana.

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Mahesh Grover, J

The short point involved in the petition is as to whether the petitioner is entitled for salary for the period he worked as Block Development and Panchayat Officer on current duty charge basis from 20.08.2009 to 28.02.2014.

It is not in dispute that the petitioner retired from the post of Block Development and Panchayat Officer while working as such on current duty charge basis for the period i.e 20.08.2009 to 28.02.2014.

Respondent deny his claim for higher salary on the ground that he was assigned current duty charge in his own pay scale and not against the post of Block Development and Panchayat Officer.

On due consideration of the matter, I am of the opinion that it would be totally unjust on the part of the respondent to deny the petitioner the salary of the higher post during the period in question as he had assumed higher responsibility assigned to him by the respondent themselves. It would make no difference to his cause, to defeat his claim for higher salary even if he had not been assigned current duty charge against a clear vacancy which plea the respondent offer as a justification for denial of the claim set out by the petitioner. Since the petitioner has worked and discharged the responsibility of a higher post, he would be entitled to the pay / salary for the said period.

Petition is, therefore, disposed of and the reasoning adopted in the impugned order Annexure P5 is held to be fallacious and is accordingly set aside with a direction

that the petitioner would now be entitled to the higher salary of the post of Block Development and Panchayat Officer for the period he discharged the higher responsibility as a Block Development and Panchayat Officer.

07.12.2015**mamta****(MAHESH GROVER)****JUDGE**