

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

CWP No.9513 of 2015
Date of decision: 14.05.2015

Naresh Kumar Goel

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ashwani Prashar, Advocate, for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Writ in the nature of mandamus is prayed for, so as to direct the respondents to afford the petitioner the pay and allowances admissible to the post of Deputy Registrar as he officiated on the said post w.e.f. 24.08.2011 to 26.11.2014. And also grant the petitioner a deemed date of promotion as Deputy Registrar w.e.f. 17.08.2010 instead of 26.11.2014. And further all consequential benefits be released. It is averred that petitioner was appointed as Inspector on 12.05.1981 with Registrar Cooperative Societies, Punjab, and was promoted as Assistant Registrar on 31.10.2006 w.e.f. 16.08.2005. DPC as regards the promotion to the post of Deputy Registrar was

slated for 17.08.2011, and the petitioner was shown to be fully eligible for consideration to the said post. So much so, he was also shown to possess 17 bunch marks against the requirement of 12. However, no DPC was convened on the designated date and thus, the claim of the petitioner could not be considered. He was assigned additional charge of Deputy Registrar Cooperative Societies, Ropar in addition to the charge of Education Assistant Registrar with powers of Drawing and Disbursing Officer on 24.08.2011. He was also assigned the duties of EAR and was given the additional charge of Deputy Registrar (Enforcement) on 12.01.2012. Likewise, on 03.10.2013, he was assigned the additional charge of Deputy Registrar, Fatehgarh Sahib besides his regular duty of Assistant Registrar (Audit). Rule 4.22(1) of the Punjab Civil Services Rules postulates that a person, who performs the duty on a higher post, is entitled to the pay i.e. admissible to the said post. As DPC was finally convened on 17.07.2014, the petitioner was considered and promoted as regular Deputy Registrar w.e.f. 26.11.2014. In a nutshell, it is maintained that the petitioner having officiated on the post of Deputy Registrar for a particular period is entitled to the pay admissible to the said post. And since number of vacancies of Deputy Registrars were lying vacant on 16.08.2010, he indeed is entitled to a deemed date of promotion i.e. w.e.f. 17.08.2010 instead of 26.11.2014.

Learned counsel for the petitioner submits that prior to the institution of this petition, respondent was even served upon a legal notice dated 12.03.2015 (Annexure P6), as regards his grievance, but the same has failed to evoke any response. He submits that at this stage, let this petition be disposed of only with a direction to the respondent, to consider and decide the legal notice (Annexure P6), served by the petitioner, within a specified time.

That being so, and without expressing any opinion on merits, this petition is disposed of only with a direction to the respondent, to consider and decide the claim of the petitioner, as set out in his legal notice dated 12.03.2015 (Annexure P6), strictly in accordance with law, within a period of 3 months from the receipt of certified copy of this order. Though, needless to assert, a comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

May 14, 2015
Rajan

(Arun Palli)
Judge