

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

**C.W.P No. 7279 of 1993
Date of decision : 13.01.2016**

Mohd. Maqbool Dar

....Petitioner

versus

State of Jammu and Kashmir & ors

..Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Smarth Sagar, Advocate
for the petitioner.

None for the respondents.

1. To be referred to the Reporters or not? Yes
2. Whether the judgment should be reported in the Digest?

RITU BAHRI , J.

The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of mandamus directing respondent Nos. 2 and 3 to formally release the grade of Rs.2125-3600 (revised) against the post of Resident Representative, J&K Government.

At the very outset, learned counsel for the petitioner submits that during the pendency of the writ petition, the petitioner has been promoted to much higher post of Transport Officer and therefore, the present writ petition has become infructuous.

The present writ petition was admitted on 26.08.1994. However, on notice, a written statement has been filed by respondent Nos. 1 and 2 on 17.01.1994 wherein as per Annexure R-1, the sanction was accorded to the temporary adjustment on ad hoc basis of Shri Mohammad Maqbool Dar, Teacher as Manager, State Properties Amritsar in the pay scale of Rs.875-1400, which was for a period of six months or till the post of Manager is filled up regularly by the Public Service Commission, whichever is earlier. Thereafter, the petitioner was sanctioned charge allowance as was admissible to him since the date of his discharging the duties of Resident Representative w.e.f 17.02.1986.

The petitioner made numerous representations (P-15 to P-180) for releasing the grade of Resident Representative and the same was recommended vide order dated 27.11.1990 (P-19). In the additional affidavit filed by the petitioner, he stated that at that time, the Resident Representative's post was carrying the scale of Rs.1000-1560 (now revised to Rs.2125-3600). This post was never filled through Public Service Commission.

The respondents had not filed any counter affidavit to the replication filed by the petitioner to contradict Annexure P-19 and the affidavit filed by the petitioner.

In view of the above, the writ petition is allowed and the respondents are directed to formally release the grade of Rs.2125-3600

(revised) against the post of Resident Representative, J&K Government
w.e.f 17.02.1986 till the date he remained posted there along with 9%
interest.

(RITU BAHRI)
JUDGE

13.01.2016

G Arora