

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 103 of 2014

Date of Decision: 04.11.2016

SATPAL SHARMA

... Petitioner

V/s

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. D.P.S. Randhawa, Advocate,
for the petitioner.

Mr. R.S. Pathania, DAG, Punjab.

KULDIP SINGH, J. (Oral)

The petitioner has preferred this writ petition filed under Article 226/227 of the Constitution of India for issuance of writ of mandamus directing the respondents to grant same benefits of the post of Section Officer (non-S.A.S.) in the pay scale of ₹ 6400 - ₹10640 plus usual allowance as has been granted to similarly situated employees who are junior to the petitioner vide order dated 15.05.2007 (*Annexure P-4*) alongwith all consequential benefits.

Brief facts of this case are that the petitioner was working as Junior Auditor with the respondent department. Vide order dated 21.06.1999, he was transferred from Municipal Corporation Amritsar to Amritsar circle as Incharge Audit Party. The petitioner claims that some other Junior Auditors were promoted as Section officers vide order dated 15.05.2007 (*Annexure P-4*) on *ad hoc* basis. The petitioner has already retired on attaining the age of superannuation from Service on 31.03.2004. It is stated that there is no designation of Incharge Audit Party in the Local Audit Department and instead thereof there is a designation of Section Officer either SAS or non-SAS. The petitioner claims that since, he has performed the duties of Section Officer

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while working as Incharge Audit Party, therefore, he should be granted same benefit of Section Officer (non S.A.S.) in the pay scale of ₹ 6400 - ₹10640.

I have heard learned counsel for both the parties and carefully gone through contents of the file.

Admittedly, the petitioner had worked as Junior Auditor with the respondent and was transferred from Municipal Corporation, Amritsar to Amritsar Circle as Incharge Audit Party vide order dated 21.06.1999 (*Annexure P-1*). The said post infact does not exist. The petitioner was required to prove that the said post of Incharge Audit Party was a promotional post or post of higher responsibility. For that purpose, the petitioner was required to show the duties of Junior Auditors and that of Incharge Audit Party to see whether the said post of Incharge Audit Party is post of higher responsibility or not. So far as the non-SAS Section Officer is concerned, the petitioner himself has produced a copy of the order dated 15.05.2007 (*Annexure P-4*) vide which some Junior Auditors were promoted as non SAS Section Officer in the pay scale of ₹ 6400 - ₹10640 on *ad hoc* basis as a stop-gap arrangement. However, no such order regarding the petitioner was passed.

Since, the petitioner has failed to prove that he had discharged the duties on a promotional post or on a post of higher responsibility, therefore, he cannot be granted pay scale of non-SAS Section Officer.

In these circumstances, the present petition stands dismissed.

November 4, 2016
Suresh Kumar

[KULDIP SINGH]
JUDGE

	✓		
<i>Whether speaking / reasoned</i>	<i>Yes</i>	<i>/</i>	<i>No</i>
			✓
<i>Whether Reportable</i>	<i>Yes</i>	<i>/</i>	<i>No</i>