

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

**CWP No.14216 of 2016 (O&M)
Date of decision:21.07.2016**

Mam Chand

... Petitioner

Vs.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Naveen Daryal, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

As per pleadings on record, petitioner was initially appointed on the post of Conductor under the Haryana Roadways on 24.03.1968. His junior, namely, Hukum Singh (S.C. category) was appointed on the same very post i.e. Conductor on 10.03.1970. However, by giving benefit of reservation, his junior, Hukum Singh was promoted to the post of Sub Inspector on 20.12.1988 and thereafter to the post of Inspector on 28.02.2002. On the other hand, the petitioner earned promotions to the post of Sub Inspector and Inspector on 14.06.1990 and 21.06.2002 as per turn. Petitioner retired on 31.10.2006 upon attaining the age of superannuation.

Counsel appearing for the petitioner would rely upon documents at Annexures P-1 and P-2 dated 05.03.2009 and 18.12.2013 respectively to contend that the State Government has taken a decision to grant benefit of stepping up of pay to a general category employee at par with that of a junior counter-part and who otherwise had been promoted earlier in point of time on account of enjoying benefit of reservation.

Counsel argues that being a retired employee, petitioner would be entitled to the benefit envisaged under Annexures P-1 and P-2 and

accordingly, be granted benefit of step up and pay fixation on a notional basis and thereafter to be granted revised pensionary benefits.

Counsel states that a legal notice dated 17.04.2015 (Annexure P-6) raising such claim has already been served and he would be satisfied, if at this stage, directions be issued to the respondent-authorities/competent authority to take a decision thereupon.

Prayer made by counsel is found to be just and reasonable.

Without making any observations on merits, I deem it appropriate to dispose of the present petition with a direction to respondent Nos.2 and 3 to consider the claim of the petitioner strictly in accordance with law and to take a final decision on the legal notice dated 17.04.2015 (Annexure P-6) by passing a speaking order within a period of four months from the date of receipt of a certified copy of this order.

Disposed of.

21.07.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**