

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

CWP No.19731 of 2016 (O&M)

Date of decision : 22.09.2016

Ram Murti

....Petitioner

Vs.

State of Haryana and others

....Respondents

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

Present: Mr. R.S. Mamli, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

Pleadings on record would indicate that the petitioner joined service with the respondent/Health Department, State of Haryana on the post of Clerk in the year 1981. Petitioner was promoted as Assistant in the year 2007. Mastan Singh and Satish Chander joined respondent/Department on the post of Clerk in the year 1982. These two aforenoticed employees even though juniors to the petitioner belong to the reserved category and were granted benefit of accelerated promotion and as such, were promoted to the post of Assistant in November, 1993 itself.

The case set up on behalf of the petitioner is that he having been promoted to the post of Assistant in the year 2007 and as per turn is now entitled to the benefit of parity in pay scale by invoking the principle of catch up and at par with Mastan Singh and Satish Chander. A representation in this regard is stated to have been filed before the respondent-authority.

Without even ascertaining the correctness and averments made in the petition and without making any observations on merits of the claim set up, I deem it appropriate to dispose of the instant petition with a direction to respondent No.2 to consider the claim of the petitioner and to

take a final decision upon the representation at Annexure P-2 in accordance

with law and by passing a speaking order within a period of four months from the date of receipt of a certified copy of this order.

There is, however, one aspect of the matter. The cause of action to claim pay parity with Mastan Singh and Satish Chander, if at all had arisen to the petitioner in the year 2007 itself. Apparently, there has been a delay in raising such claim. Accordingly, it is observed that in the eventuality of the claim of the petitioner being accepted by the respondent-authority/Competent Authority, it would be open for them to confine benefit as regards arrears to 38 months prior to the date of filing of the instant petition.

Disposed of.

22.09.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

- | | |
|-------------------------------|-----|
| i) Whether speaking/reasoned? | Yes |
| ii) Whether reportable? | No |