

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

CWP No.5188 of 2015

Date of Decision:11.01.2016

Sukhwant Singh Gill

... Petitioner

Versus

The State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. RK Arora, Advocate,
for the petitioner.

Mr. Inqulab Nagpal, AAG, Punjab.

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

RAJIV NARAIN RAINA, J.(Oral)

The petitioner had been discharging the officiating duties of the higher post in his substantive rank as Lecturer. He had been discharging the duties of Government College in the Education Department. He claims salaries of the higher post on the principle of *quantum meruit* which principle was first noticed and recognised by the Supreme Court in **Mrs. P. Grover v. State of Haryana and others**, 1983 (4) SCC 291 and numerous decisions of the Supreme Court and this Court thereafter. The petitioner has served a notice of demand for justice in the decision-making authority amongst the respondents but have received no response from them and nothing has been communicated to him as to the fate of the same.

Mr. Arora submits that in such circumstances, instead of delaying the matter through the process of receiving reply of the State, it

would serve the ends of justice, if a direction is issued to the respondents to consider and decide representation (P-12) within a time bound period.

The request of Mr. Arora is fair and reasonable.

Since the matter is covered by judicial precedent, this Court should not be made to waste its time on such matters which the Administrator must honestly and faithfully discharge by a just decision keeping the law on the subject in mind. Therefore, a direction is issued to the respondents to consider and decide representation (P-12) and in case relief is grantable, the same be handed over the arrears of difference of salary for the period worked in each case satisfied and to do so within a period of one month from the date of receipt of a certified copy of this order. In case, the amounts are due, it would not be necessary for a speaking order to be passed and the rights of parties can be operated through office order. In case, for any reason, an adverse order is contemplated, then the petitioner would have a right to be heard and that would necessitate the passing of a reasoned order. In case, hearing is required, then the time period fixed is extended by another 30 days.

With these directions, this petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

11.1.2016
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