

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

COCP No.2206 of 2016

Date of Decision: 23.08.2017

Balkar Singh

....Petitioner

Versus

ER. K.D. Chaudhary and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. R.S. Hooda, Advocate
for the petitioner.

Mr. M.C. Berry, Advocate
for the respondents.

DAYA CHAUDHARY, J. (ORAL)

Learned counsel for the respondents has filed reply by way of short affidavit in the form of compliance report.

Learned counsel for the respondents submits that the petitioner has been promoted on the post of officiating Superintending Engineer from the date his junior Sh. Gurchain Singh Bagga has been promoted. The period of suspension from 23.01.2004 to 28.07.2004 and from dismissal to the date of reinstatement has been ordered to be treated as period deemed to be spent on duty for all intents and purposes. It has also been mentioned in the reply that the pay of the petitioner has been notionally fixed for the period from 23.01.2004 to 03.09.2014 and arrears of salary for the period from 04.09.2014 to 10.09.2015 after deducting the amount of income tax has been sanctioned and will be credited in the salary account of the petitioner within a short period.

Learned counsel for the petitioner submits that there is difference in treating the duty period and less amount has been paid. He further submits that junior to the petitioner has further been promoted to the higher post but the petitioner has not been promoted.

Since some of the benefits have been granted to the petitioner and he is still aggrieved by the action of the respondents.

Accordingly, the petitioner is at liberty to make a detailed representation to the respondents within a period of one month from today and the respondents are directed to reconsider the same in accordance with averments made therein. In case, it is found that the petitioner is entitled for those benefits, which have not been granted as mentioned in the representation, the same be granted to him within a period of two months thereafter.

However, in case, the respondent authority comes to the conclusion that the petitioner is not entitled for any relief as mentioned in the representation then a detailed and speaking order be passed.

The contempt petition is accordingly disposed of.

(DAYA CHAUDHARY)
JUDGE

23.08.2017

gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No