

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

CWP No.10235 of 1998 (O&M)

Date of Decision:01.06.2017

Inder Singh Tomer

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Ms. Nupur Chaudhary, Advocate for the petitioner.

Mr. R.K. Doon, A.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

Petitioner's grievance is relating to entitlement of pay attached to the post of HAS-I during the intervening period from 3.2.1997 till 12.12.1997. Petitioner was appointed on ad-hoc basis to the post of HAS-I. Later on, petitioner is stated to have been promoted in the month of December 1997.

In this back ground, whether petitioner is entitled to pay attached to the post held by him as HAS-I or not?

In support of his case, learned counsel for the petitioner relies on Smt. P. Grover v. State of Haryana and another; (1983) 4 SCC 291; Secretary-cum-Chief Engineer, Chandigarhi v. Hari Om Sharma and others; (1998) 5 SCC 87 and Selva Raj v. Lt. Governor of Island, Port Blair; 1998(2) CLR 639.

On the other hand, learned counsel for the respondents vehemently submitted that no junior has been promoted on 3.2.1997 so as to claim monetary benefits attached to the post of HAS-I during the intervening period from 3.2.1997 to 12.12.1997. Hence, petitioner is not entitled to pay attached to the post of HAS-I for the aforesaid period.

Heard learned counsel for the parties.

Perusal of order of posting of the petitioner as HAS-I in the month of February 1997, it is evident that the petitioner had been discharging the duties of the post of HAS-I during the aforesaid period which is higher than the post held by him. Even though it is on ad-hoc basis but still petitioner is entitled to pay attached to the post of HAS-I during the intervening period from 3.2.1997 to 12.12.1997 in terms of the aforementioned judgments relied upon by the learned counsel for the petitioner.

Accordingly, concerned respondent is directed to calculate difference of salary for the intervening period from 3.2.1997 to 12.12.1997 and disburse to the petitioner within a period of three months from today.

At this stage, learned counsel for the respondents submitted that a speaking order has been passed stating that petitioner is not entitled for pay attached to the post during the aforesaid period. Speaking order of the respondent would not come in the way of implementing the above direction.

Petition stands allowed accordingly.

01.06.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**