

**1606 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.22596 of 2010 (O&M)
Date of decision : March 08, 2017**

R.K. Rampal and another **..... Petitioners**

Versus

State of Punjab and another **..... Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. B.S. Sewak, Advocate for the petitioners.

Mr. R.S. Pathania, DAG, Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ? Yes
2. To be referred to the Reporter or not. Yes
3. Whether the judgment should be reported in the digest ? Yes

KULDIP SINGH J. (ORAL)

Petitioner No.1, R.K. Rampal was working as a Joint Director Agriculture, Punjab. As the post of Director of Agriculture, Punjab, fell vacant, R.K. Rampal was given the additional charge of the Director of Agriculture, vide order dated 01.08.2002 (Annexure P-1) on which he worked from 01.08.2002 to 31.05.2003, when he superannuated from service. Thereafter, another Joint Director of Agriculture, namely Ajmer Singh, petitioner No.2, was given the additional charge of the Director of Agriculture, on which he worked from 05.06.2003 till his retirement i.e. 31.10.2004. Both the petitioners now claims that they are entitled to the pay scale and salary of the Director of Agriculture for the period, they worked as Director of Agriculture and accordingly, their pension is liable to be re-fixed.

The respondents have not denied the factual position. The only stand taken is that the petitioners were given the additional charge with the condition that they will not claim any additional remuneration.

I have heard learned counsel for the parties and have also carefully gone through the case file.

Learned State counsel states that adhoc arrangement was being made, in terms of the order passed by this Court in CWP No.7205 of 2001 on 02.05.2002.

In a similar case, the Punjab Government vide order dated 11.12.2009 (Annexure P-4) granted the pay scale of the Director of Agriculture to one Balwinder Singh Sidhu.

Now, the law point arising for consideration is as to when an employee in addition to his/her current duty is given an additional charge/adhoc charge for the post of higher responsibility, whether he/she is entitled to the benefits of pay scale and salary of said higher post or not?

This is to be considered in the light of the fact that both the petitioners retired from the post of Joint Director of Agriculture. At the time of retirement of the petitioners, they were holding additional charge of Director of Agriculture for which no regular promotion was made. The matter has been considered by a Division Bench of this Court in case of ***“Pritam Singh Dalhiwal v State of Punjab and another”*, 2004(4) RSJ, 599**, wherein it was held that the petitioner is entitled to claim the higher pay scale for the post in which he had been asked to officiate and perform his duties till his superannuation.

A similar view was taken by the Single Bench of this Court in case of ***“Anand Parkash v State of Punjab”*, 2005(3) RSJ 749** as well as in CWP No.19580 of 2001, titled as ***“Deep Singh Sahota v State of Punjab and another”***, decided on 03.07.2013.

Similar views were also expressed by Hon'ble the Supreme Court of India in case of "*Selvaraj v Lt. Governor of Island, Port Blair and others*", 1998(4) RSJ, 22.

In view of the authoritative pronouncements of the Apex Court and this Court, it is held that both the petitioners are entitled to the pay scale and salary of the post of Director of Agriculture during the period which they held the charge of the Director of Agriculture till their retirement.

Accordingly, the pay of the petitioners shall be refixed and consequently, their pensionary benefits shall also be refixed and released. In this case, after the retirement of the petitioners, they approach this Court in the year 2010 only, therefore, they shall not be entitled to any interest till they approached this Court i.e. 16.12.2010.

Let the pay and retiral benefits of the petitioners be accordingly refixed and released to them within a period of three months from the date of receipt of certified copy of this order along with interest @ 9% per annum from 16.12.2010 till actual payment.

As such, the present petition is allowed.

(KULDIP SINGH)
JUDGE

March 08, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: Yes