

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15127 of 2014 (O&M)
Date of Decision:-01.08.2017.

Ram Swaroop

.....Petitioner

Versus

Union of India and others

.....Respondents

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

Present: Mr. Virendra, Advocate for
Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Berjeshwar Singh Jaswal, Advocate for
the respondents.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has sought for the following relief:-

- i) A writ in the nature of mandamus directing the respondents to release the proper salary and other consequential benefits of the Petitioner as his other companions and his juniors were getting from the concerned Department on the same basis and to take appropriate steps in this regard.*
- ii) a writ in the nature of mandamus directing the respondents to release the arrears of the petitioner w.e.f. 2007 onwards till today.”*

In support of petitioner's prayer he had submitted number of representations vide Annexure P-2 to P-6 dated 05.08.2011, 10.03.2012, 10.12.2012, 27.08.2012 and 01.03.2011 respectively. Till date, respondents

have not passed any order either accepting or rejecting the petitioner's claim in respect of re-fixation of his pay on par with Shri Ahmed Khan and Shri Richpal Singh having regard to the service particulars of the petitioner and the other two persons.

Learned counsel for the respondents submitted that under the Fundamental Rules and Supplementary Rules, Part-I general rules, promotee is required to exercise his option relating to fixation of pay either from the date of his promotion or from the date of his next increment, vis. 1st July of the year. Since the concerned respondent has not passed a speaking order in respect of petitioner's claim, respondents are hereby directed to pass a speaking order within a period of 3 months from today. Further the concerned respondent shall also take note of the fact that beneficial legislation should be extended to an employee. In the present case, petitioner's grievance is relating to re-fixation of pay with reference to certain situation which would enhance his monetary benefits. In that event, the principle of extending beneficial legislation to an employee be taken into consideration while passing the speaking order. Relying on the issue of exercising option within a month may be treated as directory instead of mandatory.

With the above observations, petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

August 01, 2017.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.