

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

116

CWP No.15208 of 2017 (O&M)

Date of Decision: July 17, 2017

Sanjeev Sharma and others

....Petitioners

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Karan Singla, Advocate
for the petitioners.

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioners are serving as Sub Divisional Engineers under the Public Works Department (B & R Branch) State of Punjab.

The instant petition has been filed seeking the issuance of writ of mandamus for directing the respondent-authorities to grant to them the benefit under the Policy /circular issued by the Department of Personnel dated 14.03.2017 (Annexure P-4) and thereby remove an anomaly in the pay and allowances admissible to the petitioners.

Counsel would submit that the petitioners had joined the respondent-Department as Junior Engineers on different dates between the years 1984 to 1986. Subsequently, they earned promotions to the post of Sub Divisional Engineers on different dates between the years 2007 to 2013. Two Sub Divisional Engineers namely Charanjit Singh Bains and Tek Singh, who belong to the

reserved category, were granted benefit of accelerated promotion and as such, were promoted as Sub Divisional Engineers out of turn. The promotions of the afore noticed two employees belonging to reserved category, were made in the year 1994 and 1998 respectively. Counsel submits that such appointment/promotions, by giving benefit of reservation, would not accord benefit of seniority to the employees. Upon having been granted such promotion on the basis of reservation, the afore noticed two employees were placed in the pay scale of Rs.7880-13500 and with a start of Rs.8,000/- in the cadre of Sub Divisional Engineers. The present petitioners who were otherwise seniors to such employees were promoted on the post of Sub Divisional Engineers between the year 2007 to 2013.

Grievance raised is that by virtue of the accelerated promotions of the reserved category candidates, noticed hereinabove, the petitioners have been drawing lesser pay as they were promoted subsequently.

It is such anomaly in pay and allowances, which occurred w.e.f. the date of their promotion as Sub Divisional Engineers is sought to be rectified on the strength of Circular dated 14.03.2017 (Annexure P-4)

Having heard counsel for the petitioners at length and without expressing any opinion on merits of the case, raised in the petition, I deem it appropriate to dispose of the instant petition with a direction to respondent No.3 i.e. Secretary, Public Works Department (B & R Branch) to consider the grievance set forth by the

petitioners and to take a final decision on a legal notice dated 07.06.2017 at Annexure P-6 expeditiously and in any case within a period of four months from the passing of this order.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

17.07.2017
anju rani

Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**