

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

CWP No.18252 of 2017

Date of decision: August 18, 2017

Uttam Chand

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Inderjit Kaushal, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondent to promote the petitioner to the post of Chief Engineer from 26.04.2000 (Annexure P-1) the date of holding the current duty charge of Chief Engineer i.e. as per the seniority maintained by respondent with further prayer that direction be given to respondent to re-fix the pay of the petitioner to the post of Chief Engineer in the pay scale of Rs.18600-22100 (old pay scales) from the date of taking over the look after/current duty charge of Chief Engineer i.e. from 26.04.2000 and thereafter release the difference of pay, pension and pensionary benefits along with interest @ 18% per annum.

The contention of learned counsel for the petitioner is that after the dismissal of special leave petition by the Hon'ble Supreme Court vide order dated 25th August, 2015, the similar situated persons have already been promoted by the State of Punjab vide order dated 16th September, 2016. He further contends that neither legal notice served upon the Secretary, Irrigation Department, Government of Punjab, Punjab Civil Secretariat, Chandigarh

(Annexure P-5) did not fetch any response nor has been released any benefit in favour of the petitioner.

Instant petition is disposed of with a direction to the respondent to look into the grievances unfolded by the petitioner in his legal notice dated 13.08.2007 (Annexure P-5) and to decide the same in accordance with law, that too, after hearing the petitioner particularly in view of judgment passed by this Court in the case of *Sh. Jasbir Singh and others Vs. The State of Punjab and others*, CWP No.5156 of 2004 decided on 3rd February, 2006, which has been upheld by the Hon'ble Apex Court as well as order dated 16th September, 2016 (Annexure P-10/T) whereby similarly situated employees have been granted the similar benefit.

August 18, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No