

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 28303 of 2013
Date of Decision: June 02, 2017

Jai Kishan

... Petitioner

Versus

Haryana Power Generation Corporation Ltd.

... Respondents

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

Present: Mr. J.S. Maanipur, Advocate,
for the petitioner.

Mr. Suresh Ahlawat, Advocate,
for the respondents.

P.B. Bajanthri, J. (Oral)

1. Petitioner's claim is relating to entitlement of pay scale attached to the post of Tractor Trailor Driver during intervening period from 21.11.1985 to 23.05.1990 with reference to pay attached to the post of Tractor Trailor Driver.

2. Respondents are not disputing that petitioner has discharged the duties of the post of Tractor Trailor Driver during intervening period from 21.11.1985 to 23.05.1990 and so also regularization of petitioner's service in the cadre of Driver.

3. Short question for consideration in the present petition is whether petitioner is entitled for difference of pay during intervening period from 21.11.1985 to 23.05.1990 or not.

4. Learned counsel for the respondents vehemently contended that there is a delay of 20 years in approaching this Court. Therefore, petitioner

is not entitled for the relief sought in the present petition.

5. Supreme Court in the case of M.R. Gupta vs. Union of India reported in (1995) 4 SCC 628, held that pay fixation is continuing cause of action. Therefore, petitioner is entitled for difference of pay attached to the post of Tractor Traylor Driver during intervening period from 21.11.1985 to 23.05.1990. Accordingly, concerned respondent is hereby directed to pay the difference of amount to the petitioner with reference to pay scale attached to the post of Tractor Traylor Driver within a period of three months from today.

6. With the above observations, instant writ petition stands disposed of.

June 02, 2017
vkd

[P.B. Bajanthri]
Judge

Whether speaking / reasoned : Yes

Whether reportable : No