

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.183 of 2017 (O&M)

Date of Decision: 06.03.2017

The State of Punjab and others

... Appellants

Versus

Mehnga Singh Mattu

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Lavanya Paul, AAG, Punjab.

RAJIV NARAIN RAINA, J.(Oral)

Duties and responsibilities performed of the higher post on current duty charge will entitle person to the pay of the higher post for officiating and discharging the full duties and responsibilities attached to the higher post. This is well settled principle since the 80's in Mrs. P. Grover vs. State of Haryana, AIR 1983 SC 1060 and other case law spawned thereafter applying the doctrine of quantum meruit which need not be noticed to add length to this order.

In the present case, the plaintiff after substantive promotion as APRO was given the additional charge of the promotional post of DPRO in July 2010 and had worked till May 2011 for which period both the Courts below have rightly decreed the suit by a declaration of right to sums of money with a mandatory injunction issued to the State to pay the difference of arrears of salary of the higher post which had become an actionable right based on equal pay for same work done.

Since the judgment in the Court below is based on sound reasoning any interference would not be warranted. Besides, there is a delay

of 141 days in filing the appeal without there being just cause of valid explanation by giving satisfactory reasons for the delay in presentation of the appeal, and accordingly not only is the main appeal dismissed on merits but on limitation as well by declining the application under Section 5 of the Limitation Act, 1963.

The appeal is frivolous and appears to have filed only to get the imprimatur of this Court for which the State must pay a price of ₹ 50,000/- [Rupees Fifty Thousand Only] to be deposited to the “Annapurna Akshaypatra scheme” initiated recently by the Indian Red Cross Society, Chandigarh to provide affordable, hygienic and nutritious diet to poor people who can ill-afford a square meal. The amount is directed to be deposited by the petitioning State in the name of the “Deputy Commissioner, UT Chandigarh” who ex officio heads the Society indicating that costs are towards meeting expenditure likely to be incurred in maintaining the pilot project and making it a resounding success.

(RAJIV NARAIN RAINA)
JUDGE

06.03.2017

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Whether speaking/reasoned *Yes*

Whether reportable *Yes*