

Sr. No.234

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

**CWP No.15767 of 2016 (O&M)
Date of Decision: 19.12.2018**

Sushil Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Arvind Galav, Advocate,
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

ARUN MONGA, J.(ORAL)

Present petition has been filed for issuance of an appropriate writ in the nature of mandamus directing the respondents to grant the annual grade increment due from 01.09.2015 to the petitioner.

2. Learned counsel for the petitioner contends that respondent No.3 had passed an order dated 30.01.2015 (Annexure P-13) that the fitment/protection of the salary of the petitioner was to be enhanced from the current salary in the scale of Rs.5910-20200 + 2800 Grade Pay to Rs.10300-34800 + 3200 Grade Pay as per the revised pay scales to be implemented w.e.f. 29.01.2015. It was further observed that the date of annual grade increment of the petitioner shall not be changed and next annual grade increment will be granted w.e.f. 01.09.2015. However, till date

petitioner has not been given the annual grade increment w.e.f. 01.09.2015 despite his having made representation dated 15.06.2016 (Annexure P-21). The representation was not adverted to by the respondent compelling the petitioner to file the present writ petition.

3. Per contra, the respondents have filed their reply contending that the petitioner has been relieved vide order dated 09.12.2016 from the office of the Additional Deputy Commissioner where he was working at the relevant point of time.

4. It was further stated that petitioner will have right to get his service benefit from the parent department as per the Rules. Concededly, the entitlement of the petitioner has not been controverted. Yet the same has not been granted on the short ground that he has since been relieved from the office of the Additional Deputy Commissioner and joined back his parent department. It is further stated that his service record has also been sent to the parent department.

5. Be that as it may and without making any observations with regard to the merits of the rival contentions as noted above, I am of the considered opinion that the present writ petition can be disposed of with a direction to respondent No.1-Secretary, Department of Rural Development and Panchayats, Civil Secretariat-2, Sector 9, Chandigarh, Punjab to pass a speaking order on the representation dated 15.06.2016 (Annexure P-21) already submitted by the petitioner as also in view of the contentions raised in the present writ petition by treating it as

supplementary representation within a period of 02 months from today in accordance with law.

6. Ordered accordingly and disposed of.

19.12.2018

vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No