

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1868 of 2015

Date of Decision: 12.09.2018

Prem Kaur

... Petitioner

Versus

State of Haryana and another

... Respondents

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

Present: Mr. R.Kartikeya, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

1. Pending finalization of service rules, the petitioner has been promoted as Deputy Director (Mass Media) by order dated March 10, 2017 endorsed on March 17, 2017 by relaxing experience as Health Educator (State level) under Rule 17 of Health Department Media Extension (Group-B) Rules, 1998.

2. The 1998 rules have been amended on December 05, 2017 and the post has been put in diminishing cadre which amendment will not adversely affect the interest of the petitioner till she retires from service. In case, any promotional opportunities are available, the name of the petitioner will be considered in accordance with rules.

3. Learned counsel for the petitioner submits that because the feeder cadre post was abolished his client was given the officiating charge of the higher post of Deputy Director (Mass Media) by order dated January 30, 2012. The petitioner has been discharging the full duties and

responsibilities of the higher post in her own pay scale till the relaxation order was passed promoting her substantively to the post. She claims the difference of arrears of salary of the two posts.

4. Since the prayer rests on an event arising subsequent to the filing of this petition, therefore, it will be open to the petitioner to make a representation to the authorities to consider paying the petitioner the difference of arrears of salary for the period 2012 to 2017. In case, the representation is made, the same will be decided by keeping in mind the law stated by the Supreme Court in Mrs. P. Grover vs. State of Haryana, AIR 1983 SC 1060. It will be appreciated if the decision is taken on the request within two months from the date of filing of the representation.

5. With these observations, the petition stands disposed of in the above terms.

(RAJIV NARAIN RAINA)
JUDGE

12.09.2018
manju

Whether speaking/reasoned Yes

Whether reportable No