

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.19093 of 2015 (O&M)
Date of decision: 20.2.2018

Bhoop Singh

....Petitioner

Versus

DHBVNL and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Jagtar Kureel, Advocate for the petitioner.

 Mr.B.S.Ichhewal, Advocate for the respondents.

RAJIV NARAIN RAINA J. (Oral)

While working as Junior Engineer (Work) the petitioner was handed over the charge of Sub Divisional Officer by office order dated 6.4.2007. He continued to officiate on higher post till he was promoted to the rank of Assistant Engineer on 31.3.2010. The grievance of the petitioner is that he is entitled to the pay scale of Assistant Engineer for the period from 16.4.2007 till 31.3.2010 but he has not been paid arrears of pay of the higher post. The principle is well settled that when a person discharges duties and responsibilities of the higher post without substantive promotion by way of arrangement of holding a duty of current charge then he would be entitled to salary of his officiating post in the higher grade. The question is being answered by Full Bench of this Court in **Subhash Chander Vs. State of**

Smt.P.Grover Vs. State of Haryana AIR 1983 SC 1060. In addition there is judgment of the Division Bench of this Court in **Union Territory Chandigarh Administration and others Vs. Tarlochan Singh and others, 2014 (4) RSJ 22** and another judgment of this Court which would not be necessary to advert to in any detail.

In view of settled position, the writ petition is allowed. Mandamus is issued to the respondents to calculate the arrears of difference of pay for the period claimed and disburse the amount to the petitioner within two months from the date of receipt of certified copy of this order. The petitioner would be entitled to interest on the arrears @ 6% p.a. till payment.

(RAJIV NARAIN RAINA)
JUDGE

20.2.2018
Meenu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No