

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

Sr. No.108

**Civil Writ Petition No.3021 of 2018**  
**DECIDED ON: February 26, 2018**

**VINOD KUMAR AND OTHERS**

**..PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND ANOTHER**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

Present: Mr. Anurag Goyal, Advocate,  
for the petitioners.

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**JASPAL SINGH, J. (ORAL)**

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioners have sought the issuance of a writ in the nature of Mandamus directing the respondents to grant the benefit of the pay/pay scale of the post of Superintendent i.e. 9300-34800 + 4200 GP and consequent revised pay (as the petitioners were holding the same with current duty charge) in the substantive cadre of Deputy Superintendent from the date of handing over the CDC charge vide order dated August 11, 2014 (P-1) with all other consequential benefits along with arrears from the due date i.e. from August 11, 2014 itself and further a direction be issued to the respondents to fix the pension of the petitioners in the last pay drawn along with arrears of pension and continuity of the same

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with all other consequential benefits including interest on the arrears from the due date @ 9% per annum.

2. The contention of learned counsel for the petitioners is that petitioners retired as Deputy Superintendent from the respondents-Department on various dates on the attaining of their age. Learned counsel for the petitioners further contends that all the petitioners were given CDC charge to the post of Superintendent before completion of three years of service as Deputy Superintendent because of the requirement of the Department itself and they continued on the same with current duty charge till their retirement, though in the meantime, they completed three years of service and were entitled for regular promotion to the post of Superintendent instead of CDC charge. But the same were not given to them. After their retirement, immediately 27 petitioners were ordered to be promoted to the said post on regular basis without any rider of current duty charge.

3. Learned counsel for the petitioner contends that though various representations were made to the respondent No.2 on various dates (P-5 colly) but till date neither any reply to the said representations has been received nor any final order has been passed by the concerned Department. Learned counsel for the petitioner further submits that they feels satisfied in case a direction is issued to respondent No.2 to decide the aforesaid representations (P-5 colly) within some specified period.

4. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents No.2 to look into the grievances unfolded by the petitioner in the aforesaid representations (P-5 colly) and to take a conscious decision by passing a

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speaking order as per rules and instructions issued by the Government from time to time, within a period of four months from the date of receipt of a certified copy of this order. In case of non compliance of this order, petitioners shall be at liberty to approach this Court.

**February 26, 2018**  
*Ankur*

**(JASPAL SINGH)**  
**JUDGE**

|                                  |               |
|----------------------------------|---------------|
| <b>Whether speaking/reasoned</b> | <b>Yes</b>    |
| <b>Whether reportable</b>        | <b>Yes/No</b> |