

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

CWP No.3275 of 2018 (O&M)
Date of Decision:14.2.2018

Ashwani Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr.J.S.Maani, Advocate for the petitioner

RAJIV NARAIN RAINA, J. (Oral)

Mr.Manipal relies on a decision in *Kailash Devi vs. State of Punjab and others*, 2016 (2) SCT 216 to contend that the response of the Executive Engineer to the legal notice (Annex.P-5) cannot be treated as an order of the competent authority. The petitioner has sought directions to the respondents to grant him minimum pay scale as allowed to Baildar, in view of the Supreme Court ruling in *State of Punjab vs. Jagjit Singh*, 2016 (4) SCT 641 and secondly not to replace him with a similar arrangement. Accordingly, the notice for demand of justice (Annex. P-5) deserves to be considered and decided by the competent authority who can take final decision on financial and other matters which is either respondent no.3- Chief Engineer, Haryana, Irrigation and Water Resources Department, Sinchai Bhawan, Sector 5, Panchkula or the first respondent, but certainly not the Executive Engineer, Dadupur, Yamuna Nagar.

The legal notice (Annex. P-5) be decided by passing a speaking order within 8

petitioner’s services be not dispensed with.

With the aforesaid observations and directions, this petition is disposed of.

14.2.2018
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No