

CWP No. 4173 of 2018

DECIDED ON: FEBRUARY 21, 2018

SHAYAM SUNDER

.....PETITIONER

VERSUS

STATE OF HARYANA & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sunil Kumar Bhardwaj, Advocate
for the petitioner.

By virtue of instant petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of certiorari for quashing the impugned action of the respondents in not granting the grade pay @ ₹4200/- for the promoted post i.e. Superintendent and also not granting the benefit of revised pay with the afore-said grade pay with further prayer for issuance of a writ in the nature of mandamus directing the respondents to him grade of ₹4200/-, on account of promotion as Superintendent, vide order dated 16.11.2017 (P-1) as well as granting him the revised retiral benefit i.e. leave encashment, amount of GIS and additional increment on account of higher responsibility after calculating the same with the grade pay of ₹4200/-

2. The contention of learned counsel for the petitioner is that petitioner stood retired on November 30, 2017 on attaining the age of superannuation and

prior to his retirement/promotion, he was drawing the grade pay @ ₹4000/-, pertaining to the post of Deputy Superintendent. Petitioner became entitled for the grade pay of @ ₹4200/- pertaining to the post Superintendent on 30.11.2017 as he had already joined on the said post but he has not been given the said benefit. Petitioner moved an application dated 10.01.2018 (P-4) to respondents No.2 and 3 but till date no action has been taken by the respondents. He further submits that he feels satisfied in case a direction is issued to respondent No.2 to consider and decide the application (P-4) within some stipulated period.

3. Accordingly, instant petition is disposed of with a direction to respondent No.2 to look into the grievances unfolded by the petitioner in his application (P-4) and to take a conscious decision in accordance with law, rules and regulations and instructions issued by the Government from time to time, within a period of three months from the date of receipt of certified copy of this order.

4. However, in case petitioner still feels aggrieved by any of the order passed by the afore-said authorities, he shall be at liberty to approach this Court.

February 21, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>