

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

(127)

CWP-454-2019

Date of Decision: January 11, 2019

Subhash Chander and another

..Petitioners

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ram Niwas Sharma, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the petitioners have approached this Court seeking the pay of the post of Sub Divisional Engineer, duties of which, the petitioners have discharged on current duty.

Learned counsel for the petitioners contends that as per the settled proposition of law, an employee is entitled to the pay of the post on which he has discharged the duties even though on current duty if the period is more than three months.

In support of the arguments, the petitioners relies upon the order passed by this Court in **CWP No.4864 of 2011 titled as Hans Raj and others Vs. State of Haryana and another, decided on 20.11.2013** (Annexure P-3).

Learned counsel for the petitioners further states that for the relief which has been claimed in the present writ petition, the petitioners have served the respondents with a legal notice dated 17.08.2018 (Annexure P-5) and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the legal notice dated 17.08.2018 (Annexure P-5) by keeping in mind the law laid down by this

Court in above mentioned case.

Without commenting upon the merits of the case or about the entitlement of the petitioners for the relief which has been claimed by them in the legal notice dated 17.08.2018 (Annexure P-5), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 17.08.2018 (Annexure P-5) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioners are entitled to any monetary benefits after the decision of the legal notice, the same should also be paid to the petitioners within three months thereafter.

(HARSIMRAN SINGH SETHI)
JUDGE

January 11, 2019
harsha

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