

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

CWP No. 4646 of 2019

Date of Decision : 22.02.2019

Kosh Pati Dhawan

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. C.L. Sharma, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the claim which is being made by the petitioner is that the petitioner was given the independent current duty charge of the post of Executive Engineer though the substantive rank of the petitioner remained as Sub Divisional Engineer.

Learned counsel for the petitioner states that as the petitioner was discharging the duties of the Executive Engineer, keeping in view the order passed by the respondents on 16.12.2011 (Annexure P-4), the petitioner is entitled to the salary of the post of Executive Engineer. Learned counsel for the petitioner further states that while holding the independent charge, the petitioner was promoted on regular basis as Executive Engineer on 29.01.2016 and, therefore, from December, 2011 till the date of retirement, petitioner discharged the duties of the Executive Engineer and hence, the petitioner becomes entitled for the salary of the

post of Executive Engineer in view of the law laid down by this Court in CWP No. 17358 of 2015, decided on 09.09.2016.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, the petitioner has made two representations dated 15.05.2017 and 13.03.2018 (Annexures P-6 and P-9) respectively to the respondents and the petitioner will be satisfied in case a time bound direction is given to the respondents to decide the representations by passing a speaking order.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioner in respect of the claim prayed in the present writ petition or in the representations, the present writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the claim raised by the petitioner in the representations dated 15.05.2017 and 13.03.2018 (Annexures P-6 and P-9) respectively within a period of three months from the date of receipt of certified copy of this order.

In case after the order, it is found by the respondents that the petitioner is entitled for any monetary benefits, the same should also be released to him within a period of next three months.

The writ petition stands disposed of.

February 22, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes*
Whether reportable? *No*