

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

**CWP-12299-2019 (O&M)
Date of decision: 10.05.2019**

SHER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Sonia G. Singh Sambar, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, petitioner is claiming the benefits of higher scale of Junior Assistant as per the Revised Pay Scale Rules, 1998.

Counsel for the petitioner contends that as per the Revised Pay Scale Rules, 1998, 50% of the Clerks were entitled to be redesignated as Junior Assistant and to be placed under the pay Scale of 4400-7000 and the petitioner, who was working as a Clerk, falls within the quota of 50% to be designated as a Junior Assistant and was entitled for the benefit of pay scale of 4400-7000 . The said claim of the petitioner is w.e.f. 1998, though the claim is raised in the year 2019, and no justification is coming forward as to why the present writ petition has been filed after a delay of 21 years and that too after the retirement of the petitioner.

Faced with this situation, counsel for the petitioner states that petitioner is ready to forego his claim for arrears till the date of filing of the present writ petition in case the benefit is granted to the petitioner by the respondents.

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, the petitioner has served upon the respondents with a legal notice dated 07.01.2019 (Annexure P-2), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the claim of the petitioner for the grant of pay scale of 4400-7000 as per the Revised Pay Scale Rules, 1998 after granting him the designation of Junior Assistant.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 07.01.2019 (Annexure P-2), by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of next three months.

However, as undertaken by the counsel for the petitioner in case the petitioner is found entitled for, the benefit will be granted to the petitioner without arrears till the date of filing of the writ petition.

Present Writ Petition stands disposed of.

10.05.2019

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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No