

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

LPA No.1126 of 2019 (O&M)

State of Haryana and Ors.

.....Appellants

Versus

Ramesh Chand Bhardwaj

.....Respondent

Date of decision: 22.07.2019

CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Samrath Sagar, Addl.AG, Haryana for the appellants.

RAJIV SHARMA,J

CM No.2496-LPA-2019

In view of the grounds taken in the application, delay of 88 days in re-filing the appeal is condoned.

Civil miscellaneous application is allowed.

CM No.2497-LPA-2019

In view of the grounds taken in the application, delay of 23 days in filing the appeal is condoned.

Civil miscellaneous application is allowed.

Main case

This appeal is preferred under clause X of the Letters Patent Act against the impugned order dated 30.10.2018 passed by learned Single Judge of this court in CWP No.8347 of 2016.

Facts in brief, giving rise to the dispute are that the respondent was promoted to the post of Deputy Superintendent on 15.09.2011. He was

given additional charge of the post of Superintendent on 04.08.2011 by the District Education Officer, Jind. He was, thereafter, given the current duty charge of the post of Superintendent Incharge on 11.08.2014 in his own pay scale. He retired as Superintendent on 31.08.2014. The respondent was not given salary while he was holding the post of Superintendent for the period from 04.08.2011 till 11.08.2014.

We have heard learned counsel for the appellants and perused the order impugned.

Learned Single Judge by relying upon Division Bench judgment of this Court has rightly come to the conclusion that the respondent was entitled to the pay scale of the post of Superintendent for discharging higher duties w.e.f 04.08.2011 till 11.08.2014.

Consequently, the finding of the learned Single Judge cannot be said to be suffering from illegality or perversity warranting any interference by this Court.

Dismissed with the costs of Rs.25,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh within one month.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

July 22, 2019
manoj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No