

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 18534 of 2015
Date of decision : 18.11.2019

Amrit Pal Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. V.B. Aggarwal, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab

Harsimran Singh Sethi, J. (Oral)

The grievance, which is being raised in the present writ petition, is that the pay of the petitioner has not been refixed upon promotion as the petitioner was entitled for the grant of two increments upon promotion whereas only one increment has been granted and further similarly situated employees have been granted the benefit of two increments by the respondents themselves vide order dated 09.12.2013 (Annexure P-8).

Counsel for the respondent-State, keeping in view the averments made in the reply, states that the petitioner was only allowed one increment, which was in consonance with the Punjab Civil Services (Revised Pay) Rules, 1988.

No specific rule has been cited in this regard and further the respondents have not mentioned anything about the extension of the benefit, to the similarly situated employees as the present petitioner, while passing the order dated 09.12.2013 (Annexure P-8).

Counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioner has served the respondents with a legal notice dated 30.04.2015 (Annexure P-9), 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 said legal notice by passing an appropriate speaking order by giving the details of the Rules under which, according to the respondents, only one increment was to be given upon promotion and further their justification with regard to the grant of benefit of two increments to the similarly situated employees while passing the order dated 09.12.2013 (Annexure P-8).

Learned counsel for the respondents states that the legal notice which is still pending consideration, will be decided within a period of three months on receipt of certified copy of this order by passing appropriate speaking order. She also states that while deciding the legal notice, appropriate Rule will be taken into consideration and further the fact that whether the similarly situated employees have been granted two increments as sought by the petitioner or not.

Counsel for the petitioners prays that the petitioner be also granted an opportunity of personal hearing before passing the speaking order on legal notice.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present writ petition as well as in the legal notice dated 09.12.2013 (Annexure P-8), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 9.12.2013 (Annexure P-8)

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. It will be appreciated, in case the petitioner is given an opportunity of personal hearing before passing the speaking order.

Present writ petition stands disposed of.

November 18, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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