

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2229-2016

Date of decision: - 02.12.2019

Satnam Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. I.S. Saggu, Advocate, for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance of the petitioner is that though he was promoted as a Chief Engineer, vide order dated 22.04.2010, but the benefits of the pay of the said post are not being extended to him on the ground that he does not have the required experience for promotion to the post of Chief Engineer.

During the pendency of the writ petition, respondents reconsidered the claim of the petitioner and upon reconsideration, the respondents have granted the benefit of the post of Chief Engineer alongwith the pay-scale to the petitioner. The relevant part of the reply, as submitted by the Secretary, Department of Irrigation and Water Resources, Haryana, is as under: -

“4. That in view of advice of Finance Department, Haryana, Govt. vide Memo No.5/11/2016-11E dated 24.04.2017

granted the benefit of grade pay of the promotional post of Chief Engineer with effect from the date of his premature promotion in terms of Chief Secretary to Govt. Haryana letter No.2/10/92-2GSI dated 02.04.1994 and dated 03.08.2011 thereafter the pay of the petitioner has been re-fixed in the pay scale of ₹37400-67000+10000 (Grade Pay) in terms of Govt. Memo No.05.11.2016-IIE dated 24.04.2017 by giving the benefit of grade pay on the promotional post of Chief Engineer with effect from 27.04.2010 vide this office order No.3359/5EE-1/2017 dated 23.05.2017 (Annexure R-3).

5. That the revised pension of the petitioner in the revised pay scale of ₹37400-67000+10000 (Grade Pay) with effect from 01.05.2010 issued by the Principal Accountant General (A&E), Haryana, Chandigarh to the Treasury Officer, Haryana Chandigarh in favour to him vide No.PEN-2/111000630/2/p/17/15/192892 dated 19.12.2017 for payment of arrear.

It is respectfully submitted that since the compliance has already been made by the respondents and as such the present writ petition becomes infructuous. It is, therefore, respectfully prayed that the present writ petition may be dismissed.”

Learned counsel for the petitioner pleads ignorance about the grant of benefit as mentioned by the respondents in their reply.

The reply was filed 1½ years ago and the benefits have already been extended to the petitioner and an order in this regard has been attached with the reply.

Keeping in view the above, the present writ petition has been rendered infructuous and is disposed of as such. However, a liberty is granted to the petitioner to revive this writ petition in case the benefits, as stated by the respondents in their reply, have not been extended to him.

Learned counsel for the petitioner prays that keeping in the

grant of above-said benefits, petitioner is entitled for the benefit of revised pension as well.

Learned counsel for the respondents states that in case the petitioner files any representation claiming the same, the same will be considered and decided in case the benefits have not already been extended to him so far, by passing an appropriate speaking order, within a period of three months from the date of receipt of such representation.

December 02, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No