

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.24303 of 2014

Date of Decision: 14.01.2019

Geja Singh

... Petitioner

Versus

Haryana Urban Development Authority and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. A.S. Tewatia, Advocate
for the petitioner.

Mr. Kanwal Goyal, Advocate
for respondents.

ARUN MONGA, J. (ORAL)

The present petition has been filed for issuance of a writ in the nature of *certiorari*, seeking to quash impugned order dated 10.09.2014 (Annexure P-3). Vide the impugned order the claim of the petitioner to seek regularization as Water Pump Operator w.e.f. 03.08.1993 has been negated. A further prayer has been made for issuance of writ in the nature of *mandamus* directing the respondents to extend the benefit of technical pay scale of Rs.1200-2000/- with effect from the date when junior/similarly situated work charge employee was granted the same benefit.

2. Learned counsel for the petitioner contends that persons junior to the petitioner have since been regularized as Water Pump Operator and they are drawing higher salary by virtue thereof. Whereas, services of the petitioner have been regularized merely as Water Pump Operator (Helper) w.e.f 01.04.1993 even though he has been serving as Water Pump Operator since 1986. He contends that for mitigation of his grievance, petitioner submitted a representation before the Executive Engineer, HUDA, who recommended his case vide letter dated 07.08.2015 to the Superintending Engineer, HUDA. It was conceded therein that the juniors of the petitioner have been

regularized in the year 1993. It was further recommended in the said letter of Executing Engineer that the petitioner was willing to withdraw the present writ petition. He had already given undertaking to the Department that if the case of petitioner is considered favourably in view of the recommendation made in the said letter he would withdraw the present writ petition.

3. I have gone through the contents of the writ petition and those of the reply as also the record appended by the respective parties.

4. Without dwelling deep into the matter, suffice, to note that the Executive Engineer in unequivocal terms had recommended the case of the petitioner stating that date of his regularization deserves modification to the extent when his junior were regularized as WPO i.e. w.e.f. 03.08.1993/01.04.1993. Prima facie, It was been rightly observed in the recommendation letter of Executive Engineer that case of the petitioner was genuine. However, the Superintending Engineer just set over the said recommendation and did not take any decision, this way or that way.

5. In the circumstances, the present writ petition is disposed of with the direction to respondent No.3 to pass a speaking order keeping in view the contentions raised by the learned counsel, as noted above, as also the recommendations of the Executive Engineer contained in letter dated 07.08.2015 (Annexure P-10) within a period of two months from the date of receipt copy of this order.

6. In the event, the case of the petitioner is decided favourably as per the recommendation contained in the letter dated 07.08.2015, the petitioner would then be entitled to all the consequential pecuniary benefits along with interest @ 9% per annum which are confined to the 36 months prior to filing of the present writ petition.

7. Disposed of accordingly.

14.01.2019

rekha sharma

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*