

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 23674 of 2016

Date of Decision: 10.09.2019

Kulbhushan Gupta

...Petitioner

Vs.

State of Punjab

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Dharmender Singh Rawat, Advocate
for the petitioner.

Ms. Anu Pal, DAG Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. The dispute in this case has been settled by the Additional Chief Secretary, Punjab Government, Department of Local Government by order dated 18.05.2017 but there is an error in it which deserves to be corrected. The annual increment has been granted to the petitioner w.e.f. 01.01.2015 since he was promoted as Municipal Engineer in the municipality on 06.01.2014 but while giving arrears of benefit of stepping-up of salary with that of the admitted junior who got accelerated promotion on reserve roster point as Municipal Engineer, prior to his senior the petitioner has to be given arrears w.e.f 06.01.2014 to 01.01.2015. But for this, the rest of the order remains operational with this minor modification.

2. The impugned order dated 08.05.2017 (Annex. R-1) with the written statement is accordingly modified which order adverse to the

interest of the petitioner to the extent indicated has been passed during the pendency of the writ petition and being a subsequent event is taken into consideration in moulding the relief to avoid multiplicity of litigation and it is thus treated as impugned order in relation to the main petition which was filed before the order was passed.

3. The present petition is allowed and the respondents are directed to pay the arrears of difference of stepping-up in salary from 06.01.2014 to 31.12.2014, within a period of 02 months from the date of receipt of a certified copy of the order. The amount erroneously withheld will carry interest @6% per annum till payment. Let the decision be taken within 10 days. Health Department will intimate time and venue of the meeting in the Office of Director General, Health Services, Punjab in case hearing is required.

(RAJIV NARAIN RAINA)
JUDGE

10.09.2019

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Whether speaking/reasoned : *Yes*
Whether reportable : *Yes/No*