

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24529 of 2019

Date of decision : 05.09.2019

Sheetal Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vishal Aggarwal, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that petitioner was actually working as a Crane Operator, whereas he was being granted the pay scale of a Driver, while he was working in Mukerian Hydel Project Mechanical Division Talwara, District Hoshiarpur. In the year 1999, petitioner was transferred to the Punjab State Electricity Board (now called 'Punjab State Power Corporation Limited) as Crane Operator but there also he continued to get the salary of the post of Driver. Learned counsel for the petitioner argues that petitioner filed a Civil suit No. 239 of 2007 claiming the benefit of the salary of a Crane Operator in the year 2007 and the said suit was decreed in his favour on 03.12.2009 (Annexure P-1) holding the petitioner entitled for the salary of the Crane Operator. The said judgment attained finality and Mukerian Hydel Project Mechanical Division Talwara, District Hoshiarpur has already implemented the said decision granting the petitioner the salary of the post of Crane Operator for the period he worked with the said authority.

The grievance of the petitioner in the present writ petition is that he is also entitled for the benefit under the said judgment from the Punjab State Power Corporation Limited, where he worked on the same post

but was paid the salary of the post of a Driver.

Learned counsel for the petitioner argues that the case of the petitioner had been recommended by the competent authority for the grant of the benefit of the pay scale of the post of Crane Operator, after he succeeded in the civil suit, which he filed in the year 2007 but till today, the said benefit has never been extended to him. Learned counsel for the petitioner prays that a direction be issued to respondent No. 2 for granting the petitioner the benefit of the pay scale for Crane Operator for the period the petitioner worked with respondent No. 2.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has served respondents with a legal notice dated 20.03.2019 (Annexure P-7), 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.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondent No. 2 is directed to decide the legal notice dated 20.03.2019 (Annexure P-7) 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.

Writ petition stands disposed of accordingly.

September 05, 2019

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether reasoned/speaking? Yes

Whether reportable? No