

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-27273 of 2019

Date of decision: 23.09.2019

Parmil Kumar Saini

.... Petitioner

versus

State of Haryana and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ram Niwas Sharma, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J.

Learned counsel for the petitioner states that the petitioner was offered appointment on the post of Section Officer against the vacant post as stop gap arrangement vide order dated 22.05.2008 (Annexure- P/1). The petitioner discharged the duty of Section Officer but for the period, he discharged the duty of Section Officer, he was not paid salary of the said post but was paid salary of his substantive rank.

Counsel for the petitioner argues that keeping in view the settled principles of law, an employee is entitled for the grant of pay of the post on which he discharges the duty. Counsel states that the petitioner is entitled for benefit of pay of the post of Section Officer, for the period he discharged the duty on the said post in pursuance to order dated 22.05.2008 (Annexure P/1). He further argues that condition-5 of the promotion order dated 22.05.2018 (Annexure P/1) is contrary to the settled principles of law, hence, cannot be taken into account for denying the benefit of the pay for the post of which the petitioner discharged the duty. Counsel for the petitioner in support of his

argument relies upon CWP No.7312 of 2016 titled as Baldev Krishan Sharma vs. State of Haryana and others decided on 17.11.2018.

Counsel for the petitioner states that for the relief, which is claimed in the present writ petition, the petitioner has served the respondents with legal notice dated 18.05.2019 (Annexure P/8) raising his claims 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 or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 18.05.2019 (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.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

23.09.2019
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |