

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No. 3498 of 2012
Date of decision: 16.12.2019

K. R. Gupta

.. Petitioner

v.

A. B. Aggarwal

.. Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. S. Hooda, Advocate for the petitioner.
Mr. Kuldip Tiwari, Advocate for the respondent.

...

AVNEESH JHINGAN, J. (Oral)

The petitioner filed CWP No. 508 of 1992 challenging the recovery of excess payment made to the petitioner treating him entitled to promotion by adding ad-hoc service. The writ petition was allowed on 12.3.2012. The relevant portion of the order is quoted below:

“3. I would find the petitioner's entitlement to be properly established by the fact that the petitioner's appointment was in a regular post even at its inception and so long as there was no break in service and he was regularized on completion of his period of probation, he was entitled to count his length of service from the date of initial engagement. While computing his length of service it is his initial entry into service that should have been considered and which was how his scale of pay had also been drawn. There was no scope for recovery in such a circumstance. The recovery action is quashed and the reduction in scale of pay

is also quashed. The petitioner is entitled to a reckoning of the proper scales by computing his length of service as commencing from 21.2.1972 and the arrears shall be paid to the petitioner with interest @ 6% per annum from the date when it fell due till the date of payment. The exercise shall be completed within a period of 12 weeks from the date of receipt of copy of the order.

4. The writ petition is allowed on the above terms.”

The present petition is filed pleading wilful disobedience of the judgment of this Court.

Learned counsel for the petitioner submits that though there is compliance of the directions of this Court but certain grievances still survive *inter-alia* second time-bound promotional scale has not been granted.

Learned counsel for the respondent submits that ad-hoc service rendered by the petitioner has duly been counted and thereafter the admissible dues have been paid.

To resolve the present controversy, the present petition is disposed of with a direction that let the petitioner or his authorised representative within four weeks from today file a detailed representation raising the grievance. In case such a representation is made, the respondent shall decide the same in accordance with law after providing opportunity of hearing to the petitioner or his authorised representative. The needful shall be done within 3 months from the date of receipt of the representation. In case any amount is found due, the same shall be paid to the petitioner within four weeks thereafter.

(AVNEESH JHINGAN)
JUDGE

16.12.2019

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