

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

(124)

CWP-27687-2019

Date of Decision: September 26, 2019

Kamal Kumar Jain

.. Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner argues that the petitioner was given the current duty charge of the post of Sub Divisional Engineer vide order dated 03.07.2011 and petitioner continued working as such till he was regularly promoted on 11.04.2012 to the said post.

The claim of the petitioner is that the period for which he had discharged the duties of a higher post on current duty charge, he is entitled for the salary of the said post keeping in view the law laid down by this Court in **CWP No.21358 of 2008 titled as Subhash Chander Vs. State of Haryana and others, decided on 20.12.2011** as well as in **CWP No.4864 of 2011 titled as Hans Raj and others Vs. State of Haryana and another, decided on 20.11.2013.**

Learned counsel for the petitioner prays that a direction be issued to the respondents to grant the petitioner the benefit for working on higher post i.e. Sub Divisional Engineer from 03.07.2011 till 11.04.2012.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has served the respondents with a legal notice dated 27.03.2019 (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 by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 27.03.2019 (Annexure P-7), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 27.03.2019 (Annexure P-7), within a period of three months from the receipt of certified copy of this order.

(HARSIMRAN SINGH SETHI)
JUDGE

September 26, 2019
harsha

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