

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

(125)

CWP-30448-2019

Date of Decision: October 22, 2019

Sher Singh

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Namit Kumar, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner states that petitioner and one Sh. Nitiya Nand, were appointed as Constable on the same date i.e. on 01.08.1985. Learned counsel for the petitioner further states that in the year 2016, petitioner as well as Sh. Nitiya Nand were working as ASI and while fixing the salary of the petitioner as on 01.01.2016, petitioner has been granted the basic pay of Rs.58,400/- whereas Sh. Nitiya Nand was granted the basic salary of Rs.60,400/-.

Learned counsel for the petitioner argues that once both, petitioner and Sh. Nitiya Nand, were appointed on the same date and were working on the same post as on 01.01.2016, the basic pay of the petitioner cannot be less than the said Sh. Nitiya Nand and therefore, the claim of the petitioner is to grant him the benefit of basic salary of Rs.60,400/- w.e.f. 01.01.2016 alongwith the consequential benefits.

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 21.05.2019 (Annexure P-5) 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 21.05.2019 (Annexure P-5), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 21.05.2019 (Annexure P-5), within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to him within three months thereafter.

October 22, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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