

CWP-12903-2020 (O&M)
Date of decision: 27.08.2020

...Petitioner

State of Punjab and another

..Respondents

Present:- Mr. Vikas Chatrath, Advocate for the petitioner.

ARCHANA PURI, J.

The petitioner has invoked the writ jurisdiction of this Court for issuance of mandamus directing the respondents to step up his pay at par with his junior Mr. Sandeep Singh, as Assistant Controller (Finance & Accounts) alongwith all consequential benefits @ 18% per annum including arrears of salary, keeping in view the settled position of law **Union of India vs. Jagdish, 1997(2) SCT 664 SC and CWP No. 22469 of 2014, Surinder Pal Sharma vs. State of Punjab**, decided on 20.12.2016 (Annexure P-8).

It is the case of the petitioner that he is senior to Mr. Sandeep Singh in all cadres namely Section Officer, Assistant Controller (Finance & Accounts) as well as Deputy Controller (Finance & Accounts), however, he is drawing lower pay as well as consequential pension and pensionary benefits than his junior- Mr. Sandeep Singh. Even legal notice dated 07.05.2019 (Annexure P-5) has been issued at first instance and in response thereto, reply dated 08.11.2019 (Annexure P-6) was given wherein it was stated that his request for stepping up of pay would be considered only after

correction of pay of Mr. Sandeep Singh, Dy. Controller (F&A). It was also stated that the pay of junior Government employee is under consideration. So the claim of stepping up of pay of Mr. Awinder Kumar, Retired, Deputy Controller (F& A) equal to the pay of Mr. Sandeep Singh, Deputy Controller (F&A) would be considered only after considering the request of junior employee, which is under consideration of the department.

Even subsequent legal notice dated 24.01.2020 (Annexure P-7) was served upon the respondents, however, no action was taken thereon.

Notice of motion.

Ms. Monica Chhibber Sharma, Sr. Dy. A.G., Punjab, accepts notice on behalf of the respondents-State and submits that she may be granted four weeks' time to decide the subsequent legal notice dated 24.01.2020 (Annexure P-7).

Considering the offer so made by learned counsel for the respondents-State, which is just and reasonable, the present writ petition is disposed of with a direction to respondent No.2 to take decision viz-a-viz grievance of the petitioner, as detailed in subsequent legal notice dated 24.01.2020 (Annexure P-7) within a period of four weeks from today onwards.

27.08.2020
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(ARCHANA PURI)
JUDGE

Whether speaking / reasoned? Yes / No

Whether reportable? Yes / No