

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No. 14035-2020 (O&M)

Date of Decision: 11.12.2020

Prem Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. P.K. Goklaney, Advocate for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner stands retired from the post of Senior Assistant under the Department of Education, State of Punjab.

Instant writ petition has been filed raising a claim that the petitioner ought to have been paid the wages admissible to the post of Superintendent for the period from 25.06.2013 to 30.11.2015. In support of such claim it has been averred that the charge of the post of Superintendent had been vested in the petitioner for the period in question and he had actually discharged the duties and responsibilities of such post.

Writ petition had come up for preliminary hearing on 10.11.2020 and at that stage learned State counsel had been directed to complete instructions as to whether petitioner while holding the substantive post of Senior Assistant had discharged the duties and responsibilities of the higher

post of Superintendent for the period from 25.06.2013 till 30.11.2015.

During the course of resumed hearing today, Ms. Anju Sharma Kaushik, learned DAG, Punjab, upon instructions from Sarbjit Singh, Law Officer, Office of DPI, Punjab as also Dr. Suvir Singh Bal, DEO, Secondary Education, Fazilka, informs the Court that the petitioner had indeed been vested the charge of the higher post of Superintendent for the period from 25.06.2013 till 30.11.2015 and had actually discharged the duties and responsibilities of such higher post.

In view of such conceded position the claim put forth in the instant petition is well founded. It is by now well settled that the employer having called upon the employee to discharge even on a temporary/officiating basis the duties and responsibilities of a higher post, there would be an obligation to pay the emoluments admissible to such higher post. A reference in this regard may be made to the judgment of the *Honourable Supreme Court in P.Grover Vs. State of Haryana, 1983 AIR (SC), 1060.*

In view of the above, petition is allowed.

Directions are issued to the respondent authorities/competent authority to release in favour of the petitioner the wages that were admissible against the post of Superintendent for the period from 25.06.2013 till 30.11.2015.

Needful be done within a period of two weeks from today.

Petition allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

December 11, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No