

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

CWP No. 19397 of 2020
Date of decision: 16.11.2020

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Tajinder Kumar

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Dr. Puneet Kaur Sekhon, Advocate,
for the petitioner.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks issuance of a writ in the nature of certiorari in a petition filed under Articles 226 and 227 of the Constitution of India for quashing the order dated 08.03.2019 (Annexure P-3). The grouse of the petitioner is to the assignment of the additional charge of Clerk of Government Senior School, Attari, District Amritsar vide the said order.

Counsel submits that a legal notice as such has been served upon the respondents on 10.09.2020 (Annexure P-4) raising various issues mainly on the ground that the additional charge apart from the charge at SHS Jattan Pachiyar as such is 70 kilometers away and, therefore, commuting between the two schools as such is a difficult task as it takes four hours through public transport. Reference has also been made to various instructions and the fact that there are other schools situated closer to the Government Senior School, Attari, and the staff who have no additional charge. Therefore, redressal has been sought as such from the additional duties assigned. The claim is, thus, also for payment of daily

allowance and mileage allowance, which has been claimed under the Punjab Civil Service Rules, Volume III.

Counsel submits that she would be satisfied if a time bound decision is taken on the legal notice 10.09.2020 (Annexure P-4).

Notice of motion.

Ms. Kanica Sachdeva, AAG, Punjab accepts notice on behalf of the respondents.

Keeping in view the fact that the decision making process is still incomplete since the legal notice has been only sent on 10.09.2020 and the additional charge was given on 08.03.2019, this Court is of the opinion that no useful purpose would be served by calling upon the respondents to file reply.

Accordingly, without commenting on the merits of the case, the present petition is disposed of with directions to respondents nos. 2 and 3 to take a decision on the legal notice dated 10.09.2020 (Annexure P-4) within a period of 3 months from the date of receipt of certified copy of the order. In case it is found that it is not feasible as such to continue with the arrangement of additional charges, appropriate action be taken. Secondly, the financial benefits, if payable, as per the Rules are made out, the payment be disbursed within a period of 2 months thereafter. In case the claim is to be rejected, a reasoned order be passed and conveyed to the petitioner.

16.11.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No