

121 In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CWP No.19261 of 2020

Date of Decision:12.11.2020

Shashi Bala

---Petitioner

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Pawan Kumar Goklaney, Advocate with
Mr. Ashish Goklaney, Advocate, for the petitioner.

Rekha Mittal, J.

Counsel for the petitioner inter alia contends that the petitioner assumed the charge of higher post of Superintendent-II and worked against the said post from 15.11.2010 to 03.01.2013 even before her regular promotion as such, but she has not been paid emoluments attached to the post of Superintendent-II. Similarly, the petitioner remained working on the post of Superintendent Grade-I from 25.01.2019 till her retirement on 31.08.2019, but she has also not been paid emoluments of the higher post. In support of his contention, he has relied upon judgment of this Court “**Hardev Singh and another Vs. State of Punjab and others**”, CWP No.13002 of 2012, decided on 06.12.2012 and intra court appeal against that judgment was dismissed by Division Bench of this Court in LPA No. 493 of 2013 decided on 09.04.2014. He would state that petitioner has already served a legal notice dated 25.08.2020 and respondent No.2 may be directed to consider and take a final decision in the matter, in a time bound manner.

Without examining merits of the case, the present petition stands disposed of. The Commissioner, Ferozepur Division, Ferozepur – respondent No.2 is directed to consider and decide the legal notice (Annexure P-16) within a period of two months from the date of receipt of certified copy of the order. In case, claim of the petitioner with regard to her entitlement to emoluments attached to the officiating post is accepted, the authority concerned would also take a decision with regard to the period for which she will be entitled to arrears. The authority concerned would pass a speaking order while deciding claim of the petitioner. In case, claim of the petitioner is rejected, she would be at liberty to avail remedy, in accordance with law. In that eventuality, the respondents would be entitled to take all defences available in law.

(Rekha Mittal)
Judge

12.11.2020
hemlata

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No