

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

**CWP-20912-2020(O&M)
Date of Decision: 07.12.2020**

Rajinderpal Singh and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

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

Mr.Suveer Sheokand, Addl. AG,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.

Petitioners are stated to be serving as Clerks/Junior Assistants in different Government schools under the State of Punjab.

Instant writ petition has been filed seeking quashing of orders appended as Annexures P-1 to P-9 assigning additional charge of Clerks/Junior Assistants.

Counsel contends that similar issue had been raised by a counter part namely Tajinder Kumar in terms of filing CWP-19397-2020 and which was disposed of by a Coordinate Bench of this Court on 16.11.2020 in terms of the following order:-

“ 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 Pachiyan 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 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.”

An advance copy of the instant petition had already been served upon State of Punjab.

Mr.Suveer Sheokand, learned Addl. AG, Punjab accepts notice on behalf of the respondents.

State counsel has no objection to the present petition to be also disposed of in terms of the order dated 16.11.2020 passed in CWP-19397-2020.

In view of the above the instant writ petition is disposed of with a direction to respondents No. 2 and 3 to take a decision on the legal notice dated 03.09.2020 (Annexure P-10) within a period of three months from the date of receipt of a certified copy of this order. In case it is found that it is not feasible to continue with the arrangement of additional charge vested in the petitioners, appropriate orders be then passed. As regards the claim for financial benefits if admissible and payable as per rules is made out, the payment be disbursed within a period of two months thereafter. In the eventuality of the claim of the petitioners being rejected, a reasoned

speaking order be passed and conveyed to the petitioners.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

07.12. 2020
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No