

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

CWP No.5270 of 2021 (O&M)

DATE OF DECISION: 05.03.2021

Manjeet Kumar

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Rahish Pahwa, Advocate for the petitioner

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ALKA SARIN, J. (Oral):

Heard through video conferencing.

The grievance of the petitioner in the present petition under Article 226 of the Constitution of India is that though the petitioner was promoted to the post of Electrician but he was not paid the salary of the post of Electrician and he continued to draw the salary of the post of Assistant Electrician. It is further the case of the petitioner that even the Technical Pay Scale was not paid to the petitioner. The petitioner has since retired on 31.01.2019.

Learned counsel for the petitioner would contend that the petitioner has been discriminated against by not giving him the pay-scale of the promoted post. The learned counsel would further contend that though a representation (Annexure P-6) was sent by the petitioner in this regard way back on 16.10.2018 i.e. prior to his retirement, but no decision has been taken on the same. It is further contended that a Legal Notice dated 20.01.2021 (Annexure P-8) was also sent. However, no action/decision has been taken qua the same.

Learned counsel for the petitioner would further contend that at this stage the petitioner would be satisfied if a direction is issued to respondent No.2 - Commissioner, Municipal Corporation, Faridabad - to take a decision on the Legal Notice dated 20.01.2021 (Annexure P-8) in accordance with law in a time-bound manner.

Notice of motion.

On the asking of the Court, Mr. Rajesh Gaur, Addl. A.G., Haryana has joined the session through video conferencing and accepts notice on behalf of the respondents.

In view of the limited prayer made by learned counsel for the petitioner, without commenting on the merits of the case, the present petition is disposed off with a direction to respondent No.2 - Commissioner, Municipal Corporation, Faridabad - to take a decision on the Legal Notice dated 20.01.2021 (Annexure P-8) by passing a speaking order in accordance with law within a period of two months from the date of receipt of certified copy of this order. In case the petitioner is found entitled to the benefits claimed, the same be released to him within a further period of two months thereafter.

Disposed off accordingly.

(ALKA SARIN)
JUDGE

05.03.2021
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NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO