

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

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**CWP No.11886 of 2021
Decided on : 07.07.2021**

Raj Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Rakesh Nagpal, Advocate for the petitioner.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Articles 226/227 of the Constitution of India seeks directions for issuance of a writ in the nature of mandamus directing the respondents to pay equal pay at par which is being paid to his juniors. Further directions are also sought directing the respondents to promote the petitioner from the post of Assistant from the date his juniors have been promoted.

It is the case of the petitioner that he was appointed as a Clerk on 03.06.1992 (Annexure P-1) and promoted to the post of Assistant on 16.12.2004 (Annexure P-2). It is submitted that one Balraj and Suresh were appointed as Clerks on 11.07.1994 and 01.12.1992, respectively, while referring to para no.3 of the writ petition, to show that they were promoted to the post of Assistant on 08.01.2002.

Counsel has further submitted that request was made for the said purpose on 25.08.2014 (Annexure P-4) to respondent No.2 and his case was also recommended, vide letter dated 27.08.2014 (Annexure P-5). Reliance is also placed upon the letter dated 09.03.2016 (Annexure P-6) wherein the comparative chart was supplied for fixation of the pay of the General Category employees at par with juniors of reserved category employees.

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Counsel thus, submits that thereafter also various correspondences have been made regarding the fixation of the pay of the General Category employees while referring to letter dated 04.04.2018 (Annexure P-7), 21.05.2018 (Annexure P-8), 21.06.2018 (Annexure P-9). Similar communication dated 31.12.2019/03.01.2020 (Annexure P-10) has also been attached. Further reliance has been placed upon the Gradation List of the Assistants dated 01.03.2017 (Annexure P-12) in this context to show that the petitioner is shown at Serial No.24, whereas Suresh Kumar and Balraj are shown at Serial No.33 & 35.

Counsel submits that legal notice dated 31.01.2021 (Annexure P-13) has also been served and he would be satisfied if the said legal notice is decided in a time bound manner.

Notice of motion.

Ms. Kirti Singh, DAG, Haryana accepts notice on behalf of the respondents/State.

Keeping in view the fact that since the decision making is still incomplete, no useful purpose will be served to call upon the respondents for filing reply, as it would cause inordinate delay in deciding the proceedings.

Accordingly, the present petition is disposed of with the directions to respondent No.2 to take a decision on the legal notice dated 31.01.2021 (Annexure P-13). The writ petition be also treated as a representation as it contains necessary communications and instructions. The said process be completed within a period of 3 months from the receipt of the certified copy of this order.

Disposed of.

(G.S. SANDHAWALIA)
JUDGE

July 07, 2021
Naveen

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No