

124

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

CWP-5321-2022

Date of Decision: 16.03.2022

Balour Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jugam Arora, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Learned counsel for the petitioner argues that in the present petition, the petitioner was asked to perform the duties of Junior Engineer though on Current Duty Charge which duty the petitioner continued to perform till the date he attained the age of superannuation and hence the petitioner is entitled for the grant of pay of the post of Junior Engineer for the period when he discharged the duty for the said post.

Learned counsel for the petitioner submits that even otherwise the petitioner was senior most employee and eligible to be promoted as a Junior Engineer and the said post was lying vacant and therefore, the direction also needs to be issued to the respondent-Authority to consider the case of the petitioner for grant of regular promotion on the said post so that the petitioner could avail the pensionary benefits corresponding to the post in question as well.

Learned counsel for the petitioner further submits that the

grievance as raised in the present petition has already been raised before the respondents in the form of the legal notice dated 23.01.2022 (Annexure P-12) which is still pending consideration with the respondent-Authority and the petitioner will be satisfied at this stage, in case a time bound direction is given to the respondents to decide the said legal notice by passing appropriate speaking orders.

Notice of motion.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab, keeping in view the advance service of copy of the petition, accepts notice on behalf of the State and raises no objection, in case prayer made hereinbefore on behalf of the petitioner for deciding the legal notice dated 23.01.2022 (Annexure P-12) in a time bound manner is accepted.

Keeping in view the facts and circumstances of this case and without going into the merits of the case or rendering any opinion on the claim of the petitioner in this petition or the legal notice dated 23.01.2022 (Annexure P-12), the present petition is disposed of with a direction to respondent No.2 to pass the appropriate speaking orders on the legal notice dated 23.01.2022 (Annexure P-12), filed by the petitioner, within a period of eight weeks from the date of receipt of the copy of this order. In case, the petitioner is found entitled for the relief, the same be also released in his favour within a period of next four weeks of passing of the said orders on her legal notice dated 23.01.2022 (Annexure P-12)

16.03.2022

Bhumika

(HARSIMRAN SINGH SETHI)
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |