

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

CWP-6806-2022

Date of Decision: 01.04.2022

JOGINDER KUMAR @ JOGINDER SINGH

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Satbir Singh Gill, Advocate
 for the petitioner.

Ms. Kirti Singh, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of *mandamus* directing the respondents to grant him the same benefits as have been granted to similarly situated other drivers and also the additional benefits as per Haryana Civil Services Assured Carrier Progression Rules- 2008.

2. Learned counsel for the petitioner submits that the petitioner joined his duties as Driver on contractual basis vide office order dated 01.09.1998. Thereafter, his services were regularized as Driver Grade-II w.e.f. 08.10.2002. Learned counsel further submits that similarly situated other employees, who were also recruited along with the petitioner, approached this Court by way of filing **CWP-22516-2012** titled as ***Mahinder Singh and others vs State of Haryana and others***. Said petition was decided on **01.04.2013** allowing the claim regarding pay structure admissible to Drivers/Conductors recruited in Haryana Roadways. Aggrieved, State challenged the said judgment before the Apex Court, but the same was upheld on 31.01.2017, by directing that the benefit should be given from the initial appointment. Grievance of the petitioner is that he has been meted out with hostile discrimination as he has not been accorded the similar benefit as has been given to his counterparts. The petitioner then submitted a

representation dated 23.07.2021 (Annexure P-11), but to no avail. Hence, the instant petition.

3. Learned State counsel, on advance service, joins proceedings and states that competent authority shall take appropriate decision on the pending representation dated 23.07.2021 (Annexure P-11).

4. At this stage, learned counsel for the petitioner also agrees that let a final decision is taken, either way, by the competent authority on the pending representation dated 23.07.2021 (Annexure P-11), giving reasons thereof.

5. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

6. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner as per representation dated 23.07.2021 (Annexure P-11) and keeping in view the contention raised in the present petition by treating the same as supplementary representation and take a decision, in accordance with law.

7. Let the needful be done as expeditiously as possible but not later than three months.

8. Disposed of accordingly.

(ARUN MONGA)
JUDGE

01.04.2022
gurpreet

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No