

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

CWP-9153-2022
Date of Decision:02.05.2022

SATYA PARKASH PARIHAR

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Devender Punia, Advocate
 for the petitioner.

Mr. Sharan Sethi, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 26.08.2014 (Annexure P-4), to the extent of granting pay band-4 of ACP scale instead of notional fixation w.e.f. 01.10.2013; to quash the impugned pay fixation order dated 26.10.2014 (Annexure P-5) to the extent of restoration of annual increment w.e.f. 01.07.2014 and also to quash the impugned order dated 06.10.2021 (Annexure P-9) vide which his request for restoration of order dated 26.08.2014 (Annexure P-4) and order dated 26.10.2014 (Annexure P-5) has been declined.

2. *Inter alia* contends that notwithstanding, the favourable recommendations of the competent authority in the department vide letter dated 05.07.2018 (Annexure P-7) making a candid case in favour of the petitioner that there is indeed a pay anomaly qua his pay fixation. Yet, the petitioner has not been accorded benefit thereof vide impugned orders dated 26.08.2014, 26.10.2014 and 06.10.2021 (Annexures P-4, P-5 and P-9 respectively), which are not only arbitrary but also cryptic and non-speaking as no specific reasons have been assigned while denying the benefit to the petitioner.

3. Notice of motion.

4. Learned State counsel, on advance service, appears and accepts notice and seeks time to file return.

5. At this stage, learned counsel for the petitioner submits that instead of keeping the petition pending, let the representation dated 30.11.2021 (Annexure P-10), which the petitioner had filed but was not adverted to, be decided by the competent authority by way of passing a speaking order.

6. 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.

7. 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 30.11.2021 (Annexure P-10) 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. It would be appreciated if the competent authority accords a personal hearing either to the petitioner and/or his representative before taking the final decision.

8. Let the needful be done as expeditiously as possible.

9. Disposed of accordingly.

(ARUN MONGA)
JUDGE

02.05.2022

gurpreet

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No