

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

257

CWP-13116-2020

Date of Decision :05.07.2022

Yash Paul Sharma**...Petitioner****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Rajat Khanna, Advocate for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the claim of the petitioner is that he had discharged the duty of higher post of Tehsildar for a period starting from 19.05.2005 to 08.04.2013, hence, he is entitled for the grant of salary of the post of Tehsildar, on which post, he had discharged the duties.

As per the averments made in the present writ petition, the petitioner was appointed as Naib Tehsildar on 08.11.1993 and the next promotion from the post of Naib Tehsildar is that of Tehsildar and as 20 posts of Tehsildars were lying vacant and work was suffering, Naib Tehsildars including the petitioner were given current duty charge of the post of Tehsildar by the respondents vide order dated 19.05.2005 (Annexure P/1) along with other Naib Tehsildars. The petitioner continued working on the post of Tehsildar on current duty charge for a period of approximately 08 years till he was regularly promoted on the said post of Tehsildar on 08.04.2013 and ultimately retired on 31.12.2015. Prayer of the petitioner in the present writ petition is that the petitioner be given benefit of the pay of

the post of Tehsildar for a period, for which, he had discharged the duty of the said post on current duty charge, which benefit has been declined to him by the respondents vide order dated 04.12.2020 (Annexure P/6), which order has been impugned in the present petition.

Learned counsel for the petitioner argues that the case of the petitioner is covered by the judgment passed by a Coordinate Bench of this Court in CWP-24018-2015 titled as **Kanwar Narinder Singh and others vs. State of Punjab and another** on 03.12.2018 as the other similarly situated employees, who were also given the current duty charge of the post of Tehsildar on 19.05.2005 and were ultimately regularised on the said post on 08.04.2013 along with the petitioner, have already been extended the benefit as being prayed by the petitioner in the present writ petition. The order passed by a Coordinate Bench of this Court in **Kanwar Narinder Singh's case (Supra)** has already been implemented by the respondent-department for similarly situated colleagues of the petitioner, who also discharged the duties on current duty charge on the post of Tehsildar before being regularly appointed.

After notice of motion, the respondents have filed reply and have conceded the factual position that the petitioner along with other Naib Tehsildars has been given current duty charge of the higher post of Tehsildar on 19.05.2005 on which post, he continued working for a period of eight years and was promoted on the said post on 08.04.2013 and ultimately retired on 31.12.2015. It has further been mentioned in the reply that it is only in the case, where an employee discharged duties on two posts, he is entitled for the benefit of pay of higher post but, in the present case, the petitioner had only discharged duty of the post of Tehsildar on the

basis of current duty charge and, therefore, he cannot be granted benefit of the post of Tehsildar Learned State counsel conceded the fact that the case of the petitioner is covered by the judgment passed by a Coordinate Bench of this Court in **Kanwar Narinder Singh's case (supra)** as the claim of the petitioners therein was identical as that of petitioner in the present petition and they have already been granted the said benefit by the respondents as being prayed by the petitioner in the present petition.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, it is a conceded position before this Court that the similarly situated employees i.e. petitioners in **Kanwar Narinder Singh's case (supra)** have already been granted the benefit of pay of the post of Tehsildar by a Coordinate Bench of this Court for the period they discharged the duties of the said post on current duty charge, which relief is being prayed by the petitioner in the present petition and the order passed in **Kanwar Narinder Singh's case (supra)** has already been implemented by the respondent-State, the claim of the petitioner is to be allowed on the same ground itself.

In view of the above, the present petition is also allowed in terms of the order passed by a Coordinate Bench of this Court in **Kanwar Narinder Singh's case (supra)**.

July 05, 2022
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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