

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

**CWP-15629-2022
Date of Decision: July 21, 2022**

Devender Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashok Kaushik, Advocate,
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

Learned counsel for the petitioner argues that the petitioner was senior to one Mahender Singh, in the cadre of Lab Assistant and the said Mahender Singh was being paid salary more than the petitioner, which is not permissible under law. Learned counsel submits that keeping in view the instructions issued by the State of Haryana, in case any senior employee is getting less salary than his junior, senior employee is entitled for step-up of the pay equivalent to that of his junior. Learned counsel submits that keeping in view the said instructions, the petitioner who is senior to Mahender Singh, Lab Assistant, is entitled to the salary given to Mahender Singh, with all consequential benefits.

Learned counsel submits that in this regard, the petitioner has already served a legal notice, dated 06.06.2021 (Annexure P-6) to the respondents, to which no response till date has been received and the

petitioner will be satisfied, at this stage, in case a direction is issued to the respondent authorities to decide the legal notice (Annexure P-6) by passing an appropriate speaking order in a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Harish Nain, learned Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents and raises no objection in deciding the legal notice dated 06.06.2021 (Annexure P-6) in a time bound manner by passing an appropriate speaking order.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, respondent No. 2 is directed to decide the legal notice dated 06.06.2021 (Annexure P-6), by passing a speaking order within a period of eight weeks from the receipt of copy of this order.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

July 21, 2022

Pkapoor

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**