

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

222

CWP-3553-2017 (O&M)

Date of decision : 10.05.2022

Ram Janam Verma
Versus

... Petitioner

UHBVNL and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Pankaj Dhingra, Advocate for the petitioner.

Mr. Sukhsharan Sra, Advocate for the respondents.

Anupinder Singh Grewal, J. (Oral)

CM-13081-CWP-2018

This application is for placing on record the rejoinder to the written statement.

Heard. For the reasons stated in the application, the same is allowed and rejoinder to the written statement is taken on record subject to all just exceptions.

Main case

The petitioner is seeking a direction to the respondents to release salary of Assistant Engineer as he was given current duty charge of the post w.e.f. 16.11.2007.

Learned counsel for the petitioner submits that the petitioner was working as Junior Engineer and had been given the current duty charge of Assistant Engineer. w.e.f. 16.11.2007. The petitioner was eligible for promotion in the year 2013 but his case was not considered by the respondents. He has relied upon the judgement of the Division Bench of this Court in the case of **Union Territory, Chandigarh Administration and others versus Tarlochan Singh and others, 2014(4) RSJ 22** and the judgement of a Coordinate Bench in the case

of **Sunil Kumar versus Chairman-cum-Managing Director, Uttar Haryana Bijli Vitran Nigam**, bearing CWP No.3234 of 2017, decided on 05.03.2020.

In the reply, it is stated that the petitioner had earlier been chargesheeted for misconduct due to which he could not be considered for promotion which led to imposition of punishment of stoppage of one annual increment without future effect. It is not denied that the petitioner had not been working on the post of Assistant Engineer even though it was a current duty charge and the same was in his own pay scale.

Heard.

The petitioner had been given current duty charge of Assistant Engineer in the year 2007. There is no dispute that he had worked on the post of Assistant Engineer as a current duty charge from 2007 to 2017. During the pendency of this petition, he had retired. It has been held in the cases of **Union Territory, Chandigarh Administration and others versus Tarlochan Singh and others(supra)** and **Sunil Kumar versus Chairman-cum-Managing Director, Uttar Haryana Bijli Vitran Nigam(supra)** that a person who has been given current duty charge of a post has to be paid the salary of that post.

However, the petitioner retired on 31.07.2017 and he has preferred this petition on 17.02.2017 and therefore, the monetary benefits would be restricted to a period of three years two months prior to the filing of this petition.

Consequently, the petition is allowed and the petitioner would be released the arrears of salary for the aforementioned period within a period of four months from now.

(ANUPINDER SINGH GREWAL)
JUDGE

May 10, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No