

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(107)

CWP No. 29038 of 2022
Date of Decision : 16.12.2022

Bhagat Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jagjeet Beniwal, Advocate with
Ms. Priya Mishra, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that petitioner was senior to respondent No. 4 in all aspects and even up to the date of retirement of the petitioner, respondent No. 4 was junior to him in the same cadre, hence the petitioner being senior was entitled for a pay higher than the junior whereas respondent No. 4 was getting higher salary in the year 2016 when the petitioner retired after attaining the age of superannuation.

Learned counsel for the petitioner further argues that as per the instructions issued by the Govt. of Haryana in case, any senior is getting a lesser salary than the junior, the pay of the senior needs to be stepped up, which benefit has not been extended to the petitioner and that too without any valid justification. Hence, respondents are under obligation to grant the petitioner the same salary as being paid to respondent No. 4 with all

consequential benefits.

Learned counsel for the petitioner submits that the petitioner has already raised the said grievance in the legal notice dated 15.12.2017 (Annexure P-2) but the same is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a direction is issued to respondent No. 2 to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents and raises no objection in deciding the legal notice dated 15.12.2017 (Annexure P-2) 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 legal notice, respondent No. 2 is directed to decide the legal notice dated 15.12.2017 (Annexure P-2), 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.

December 16, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*

Whether reportable? *No*