

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

125

CWP-1286-2023

Date of decision:23.01.2023

Chur Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sunil K. Nehra, Advocate for the petitioner.

SUVIR SEHGAL J. (ORAL)

Petitioner has approached this Court under Article 226/227 of Constitution of India for issuance of a writ in the nature of certiorari quashing order dated 05.05.2022, Annexure P-7, whereby his claim for promotion to the post of Superintendent, has been rejected.

Counsel for the petitioner has been heard.

By order dated 05.10.2018, Annexure P-3, petitioner, who was working as Statistical Assistant, was given the additional charge of the post of Superintendent. Despite the fact that the Department sent the file to the Government vide letter dated 11.09.2019, Annexure P-4, for fixing a meeting of DPC, promotion was not made and petitioner superannuated from service on attaining the age of retirement on 31.10.2019. Subsequent thereto, by order dated 31.12.2019, Annexure P-5, the juniors of the petitioners have been promoted. After his retirement,

petitioner cannot stake his claim for promotion and seek parity with his juniors. The claim raised by the petitioner insofar as promotion is considered is hereby rejected.

At this stage, counsel for the petitioner has made another prayer. He submits that despite having been given the additional charge of the post of Superintendent vide letter, Annexure P-3, petitioner has not been paid the salary of the higher post. Counsel for the petitioner has placed reliance upon the judgment of the Supreme Court in Secretary-cum-Chief Engineer, Chandigarh Versus Hari Om Sharma 1998 (3) S.C.T. 90.

Notice of motion to this limited extent.

On asking of the Court, Mr. Pankaj Middha, Addl. A.G., Haryana, accepts notice on behalf of the respondents.

Given the nature of order being passed, this Court does not deem it appropriate to call for a response from the respondents.

Having heard counsel for the parties, writ petition is disposed of with a direction to consider the claim of the petitioner for payment of salary for the additional charge, in case, there is no legal impediment in doing so. In case, the petitioner is found entitled to payment, it be disbursed to him within four months from today.

23.01.2023
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No