

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CWP No.5392 of 2023
Date of decision:- 26.04.2023

Mukesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S. K. Malik, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

CM No.7232 of 2023

Application for placing on record is allowed as prayed for.

Ch. Devi Lal University at Sirsa is ordered to be impleaded
as respondent No.5.

Amended memo of parties is taken on record.

Main Case

By way of present writ petition, the petitioner prays for the
issuance of a writ in the nature of mandamus to direct the respondents to
protect his pay by taking into consideration the previous service and pay
drawn by the petitioner on the previous post and to release arrears of
difference of salary along with interest.

Learned counsel for the petitioner submits that the petitioner
joined University (respondent No.5) as a Junior Engineer pursuant to
appointment letter dated 01.04.2010. He submits that the petitioner was
granted an annual increment on 01.07.2010 and his pay was re-fixed as is
apparent from his salary statement dated 31.10.2011 (Annexure P-2). He
submits that a post of Junior Engineer Civil was advertised by Haryana

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Government and after undergoing the recruitment process, petitioner was selected for the post. He joined the new post on 25.03.2011 after submitting a technical resignation to respondent No.5. Learned counsel submits that neither the previous service rendered by the petitioner nor the salary being drawn by him has been considered by the Government at the time of fixing of his pay. He submits that the petitioner has submitted a legal notice dated 16.11.2022 (Annexure P-9), but to no avail. He submits that the petitioner would be satisfied if a direction is issued to the official respondents to look into the grievance of the petitioner.

Notice of motion confined to respondent Nos. 1 to 4 only.

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

Having heard counsel for the parties, but without calling for response from the said respondents or commenting upon the claim raised, this petition is disposed of with a direction to respondent No.2 to examine legal notice (Annexure P-9) within a period of four months from the date of communication of the copy of this order. In case respondent No.2 finds that claim of the petitioner cannot be acceded to, a speaking order be passed with the aforesaid period.

26.04.2023
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(SUVIR SEHGAL)
JUDGE

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