

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14604 of 2022 (O&M)

Date of decision: 25.01.2023

Sham Sunder and others

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Raj Kumar Arya, Advocate
for the petitioners.

Mr. R.S.Pandher, Sr. DAG, Punjab

ANIL KSHETARPAL, J(Oral)

1. The petitioners, who have retired between 2014-2018 except the petitioner no.6, pray for the issuance of a writ for extra remuneration on account of the additional charge of the post of Junior Engineer (Civil) given to them on 30.01.2008 and 23.12.2011. This writ petition has been filed in the year 2022. The petitioners have failed to explain the reason of the colossal delay in filing the writ petition.

2. In any case, the petitioners were given additional charge of Junior Engineer (Civil) in addition to their posting as a Work Munshi. In the order of giving additional charge, it was stipulated that the petitioners will not be entitled to any extra remuneration by the department. This is evident from the impugned order passed on 26.05.2022 pursuant to the directions of the Court in the previous writ petition. The authority while passing the aforesaid order has relied upon Punjab Civil Service Rules, Chapter 4, Para 4 which reads as under:-

“When a Government employee hold current charge of

another post in addition to that of his own substantive post he does not officiate in former post as such is not entitled to any additional remuneration.”

3. The learned counsel representing the petitioners contends that as per Rule 4.4(a) (i) of the Punjab Civil Service Rules, Volume-I, Part-I, any employee who has been given an additional charge is entitled to the pay of the higher post.

4. This court has considered the submission of the learned counsel representing the petitioner.

5. First and foremost the expression used in Rule 4.4(a) (i) is “appointment” and not “additional charge”. The learned counsel further refers to the judgment passed in **Hardev Singh and another vs. State of Punjab and others (CWP No.13002 of 2012, decided on 06.12.2012)**. On a careful reading thereof, it is evident that the Court relied upon the judgment passed by the Supreme Court in **Smt. P. Grover vs. State of Haryana, (1983) 4 SCC 291**. It is evident that the Supreme Court decided the aforesaid case on facts as the petitioner in that case was an outstanding teacher. She was promoted as an acting District Education Officer subject to the condition that she would draw her own pay scale i.e the pay of her regular post. In such circumstances, the Court found that once a conscious decision to promote the petitioner has been taken by the concerned authority, there is no reason to deny the pay of the promoted post. Hence, with greatest respect the judgment passed in **Smt. P. Grover (supra)** is distinguishable.

6. The learned counsel representing the petitioners further relies upon instructions dated 20.07.2011 (Annexure P-3). On reading of para 2 of the instructions, it is evident that the instructions deal with the appointment

to a post and not to an additional charge.

7. Moreover, in the impugned order, it has been noticed that the petitioners had not put any extra working hours. They did not devote the entire working hours to the work of the post of Junior Engineer (Civil). Primarily, they continued to work on the post of Work Munshi i.e. their regular post.

8. In view of the aforesaid facts and discussion, this court has no reasons to exercise its extra ordinary jurisdiction.

9. Hence, dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

January 25, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No