

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

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CWP No.15990 of 2023.

Date of Decision: 27.07.2023.

Retd. HC/P Bhupinder Singh (Belt No.168/Moga)Petitioner.

Versus

State of Punjab and othersRespondents.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Krishan Kumar Thakur, Advocate for petitioner.

Lalit Batra, J.(Oral)

This writ petition under Articles 226/227 of the Constitution of India has been moved by petitioner for issuance of writ, order or direction in the nature of Mandamus directing respondents-Department to step up the pay of petitioner at par with respondent No.4 (his junior) in his own cadre, especially in view of speaking order dated 17.09.2020 (Annexure-P/10) passed by respondents-Department, pursuant to order dated 19.06.2020 (Annexure-P/7), passed by this Court in **CWP No.8290 of 2020—Sukhwinder Singh and others vs. State of Punjab and others**, in terms of which, similarly situated persons have been granted aforesaid benefit and further for grant of arrears of pay and consequential benefits alongwith interest at the rate of 12% per annum; with further direction to official respondents to decide Legal Notice dated 17.01.2023 (Annexure-P/8).

2. Learned counsel for petitioner submits that the respondent No.4, who is junior to petitioner is getting higher salary than that of petitioner and, therefore, petitioner being senior to respondent No.4 is entitled for step up of his pay equivalent to that of respondent No.4. He has placed reliance upon speaking order dated 17.09.2020 (Annexure-P/10) passed by respondents-Department, whereby the similarly situated employees like petitioner, have been granted benefit of step up of their pay equivalent to that of their juniors. The prayer of petitioner is that he is also eligible for grant of same benefit being similarly situated.

3. Learned counsel for petitioner further submits that petitioner has already raised his grievance before the respondents by way of serving Legal Notice dated 17.01.2023 (Annexure-P/8), which is still pending consideration with respondents and interest of justice will be served in case, the authorities concerned are directed to decide the said legal notice in a time bound manner by passing an appropriate speaking order.

4. Notice of motion to respondents No.1 to 3 only.

5. Mr. Inderpreet Singh Kang, Assistant Advocate General, Punjab, accepts notice on behalf of respondents No.1 to 3 and raises no objection in deciding Legal Notice dated 17.01.2023 (Annexure-P/8) served by petitioner, in a time bound manner.

6. In view of above, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No.2-Director

General of Police, Punjab, is directed to decide Legal Notice dated 17.01.2023 (Annexure-P/8), served by petitioner, by passing a speaking order in accordance with law and that too after affording an opportunity of hearing to parties concerned, within a period of three months from the date of receipt of copy of this order. In case, after passing of order, petitioner is found entitled for any benefit, the same shall be released to him within a period of four weeks from the date of passing of the said order.

Present writ petition stands disposed of.

(LALIT BATRA)
JUDGE

27.07.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No