

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CWP-3276-2018

Date of decision: 27.02.2023

Jagdish Chander and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. J.S. Chahal, Advocate for the petitioners.

Mr. R.K.S. Brar, Addl. A.G., Haryana.

SUVIR SEHGAL J.

Petitioners are before this Court under Article 226/227 of Constitution of India seeking issuance of a writ in the nature of mandamus directing the respondents to grant them the difference of pay vis-a-vis Pump Attendant and Water Pump Operator (WPO), alongwith interest.

Claim of the petitioners, is that they have been regularized on the post of Mali-cum-Chowkidar and Pump Attendants between the years 1996-1998, but they have been discharging duties of WPO-II. By making a reference to Annexure P-1, which is a "List of staff Group 'D' working as Group 'C' at present" issued by Executive Engineer, Public Health Engineering Division No.2, Yamuna Nagar, it has been submitted that they have been discharging duties and responsibilities of a higher post. Their sole grievance is that they should be paid wages for the post on which they have been working. Reliance has been placed upon the judgments of the Supreme Court in **Smt. P. Grover Versus State of Haryana and another** AIR 1983 SC 1060, and **Selva Raj Versus Lt. Governor of Island, Post Blair** (1998) 4 SCC 291.

In the response submitted by the respondents, stand taken is that the post of WPO, is a Group 'C' post and the petitioners have been regularized on a Group 'D' post. It has been submitted that the petitioners have been paid salary for the category of post on which they have been regularized. It has been denied that the petitioners were made to work on a higher post.

I have heard counsel for the parties and considered their submissions.

Although, it has been denied that the petitioners were made to discharge the duties on a Group 'C' post, but there is no specific denial to the list, Annexure P-1, in the return filed by the respondents.

Keeping in view the judgments of the Supreme Court in Smt. P. Grover's case (supra) and Selva Raj's case (supra), a direction is issued to the Competent Authority to ascertain the veracity of the list, Annexure P-1. In case, it is found that the petitioners have discharged duties on a higher post, they be paid arrears of difference of salary, without interest, for the period they have worked. In case, the Competent Authority finds that the claim of the petitioners cannot be accepted, an order be passed assigning reasons in support therefor. The entire exercise be carried out within a period of 04 months from the date of communication of copy of the order.

Writ petition is disposed of with the above directions.

27.02.2023
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(SUVIR SEHGAL)
JUDGE

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