

112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19284-2023
Date of decision: 01.09.2023

Rajdeep SinghPetitioner
V/s
The Punjab Agro Industries Corporation ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Tahaf Bains, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to decide the legal notice dated 03.07.2023 (Annexure P-4) seeking fixation and release of the scales on account of the implementation of the 6th Punjab Pay Commission as well as payment of arrears and release of annual grade increment w.e.f. April, 2018 along with interest.

Learned counsel for the petitioner contends that the father of the petitioner was employed in the service of the Corporation as Mechanic and due to his untimely demise in the year 2004, the mother of the petitioner was granted an appointment on commpassionate ground in the Corporation as the petitioner was a minor at that time, but as fate would have it, even the mother of the petitioner left for her heavenly abode on 2009 and the petitioner was granted an appointment in the Corporation to the post of Storeman on compassionate ground on 22.12.2009(Annexure P-1) and he joined service on 07.01.2010 an completed his period of probation on 06.07.2010 and his services were regularized with the respondent-Corporation. The petitioner was arbitrarily removed from service vide

order dated 18.04.2018/27.04.2018 and thereafter, even the appeal of the petitioner was rejected vide order dated 21.03.2022/06.04.2022. Learned counsel submits that in pursuant to orders dated 20.07.2022 passed by this Court in CWP-8588-2022 filed by petitioner, in which he was granted interim relief vide order dated 20.07.2022 (Annexure P-2) the petitioner re-joined duty on 22.07.2022 and was initially posted at Chandigarh, thereafter, vide order dated 20.06.2023 he has been posted at Singhawala Sale Centre, Moga. The Government of Punjab vide notification dated 05.07.2021 had notified the 6th Punjab Pay Commission recommendation and the recommendations have been implemented by the Board of Directors of the Corporation in their 257th Meeting held on 31.03.2023. The Managing Director of the Corporation vide order dated 06.04.2023 (Annexure P-3) has circulated the implementation of the 6th Punjab Pay Commission by the Board of Directors to be payable from 01.10.2022. He further submits that despite a period of three months having elapsed, the scales of the petitioner have neither been revised nor have the arrears of the pay commission being released to the petitioner. Learned counsel contends that another employee namely, Balwinder Kumar, who is working as an Executive and joined service on 23.01.2018 has been granted fixation of pay in compliance with 6th Punjab Pay Commission on 19.04.2023 w.e.f. 23.01.2021 but such benefit has not been granted to the petitioner till date. Learned counsel again submits that petitioner has served a legal notice dated 03.07.2023 (Annexure P-4) to respondent, which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the legal notice in a time bound manner.

Notice of motion.

At this stage, on asking of the Court, Mr. Anupam Singla, Advocate has put in appearance in Court, accepts notice on behalf of the respondent and does not object to the prayer made by learned counsel for the petitioner.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice dated 03.07.2023 (Annexure P-4), respondent is directed to decide the legal notice, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order with a further direction that if the petitione is found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to him within a period of 8 weeks thereafter.

The petition stands disposed of.

01.09.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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