

CWP-19470-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-19470-2023

Date of Decision:10.10.2023

Shanti Nandan

... Petitioner

V/s.

Registrar Cooperative Societies and others

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Amit Sharma (Kanav), Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

The present petition has been filed for directing the respondents to modify the order dated 19.12.2022 (Annexure P-6) in the light of order dated 09.05.2022 (Annexure P-4) as the same is contrary to the record and to release arrears of pay differential amount of gratuity and leave encashment on the account of re-fixation of pay on implementation of recommendations of 6th pay commission w.e.f. 01.01.2016.

The brief facts of the case are that respondent Markfed was set up in the year 1954 and in 1961 Punjab Cooperative Societies Act was enacted. The petitioner was appointed as Assistant Accountant with the respondent Markfed on 28.10.1981 and was promoted to the post of

Accountant in the year 1993 and was further promoted to the post of Assistant Accounts Officer in July, 2011. On 22.01.2007, respondent No.3 adopts Punjab Govt. introduced Assured Career Progression Scheme on completion of 4, 9 and 14 years of service and the petitioner opted for the said scheme and the petitioner is promoted as Assistant Accounts Officer. In July 2015, ACP financial up gradation on the completion of 4 years of service on the posts of Assistant Accounts Officer is due and not given. On 24.09.2021, writ petition vide CWP No.9028 of 2021 filed by the petitioner seeking direction to the respondents for grant of ACP 4 year financial up gradation, is disposed of with directions to decide the legal notice in a time bound manner. On 09.05.2022, ACP 4 year financial up gradation is granted and as on 01.07.2016 pay scale is fixed @ Rs.32550 and arrears have been paid. On 19.12.2022 re-fixation of pay again held after revising the pay scale on implementation of 6th pay commission recommendations, the pay is again refixed fixing the pay as on 01.07.2016 @ Rs.31550 instead of Rs.32550 which is patently wrong. Aggrieved against the same, the petitioner also filed representation dated 01.06.2023 (Annexure P-8), but the same is still pending with the respondents. Therefore, the petitioner filed the present petition.

Notice of motion.

On the asking of the Court, Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of respondent No. 1. Mr. Amrinder Singh, Advocate for Mr. Gaurav Sharma, Advocate, has put in appearance on behalf of respondent Nos. 2 and 3 and raises no objection in deciding the representation dated 01.06.2023 (Annexure P-8), in a time bound manner by

passing an appropriate speaking order.

I have heard learned counsel for the parties and have gone through the record of the case.

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 representation, respondents are directed to decide the representation dated 01.06.2023 (Annexure P-8), by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order with a further direction that if there is no legal impediment, necessary disbursement of funds shall be made to him within a period of eight weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

10.10.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No