

CWP-20642-2023

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2023:PHHC:128476

109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20642-2023

Date of decision: 04.10.2023

Harnek

.....Petitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Vishal Sharma, 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 grant all retiral benefits including gratuity along with interest @ 12% on the delayed payments till the actual date of payment and to grant the outstanding salary of the petitioner from 01.01.2021 to 18.03.2021 after correct fixation of pay of the petitioner after grant of proficiency step up in the cadre of salesman after 8, 16 and 24 years of service and in the cadre of Secretary after 4 and 9 years of service and to release the outstanding salary of the petitioner for the period 01.01.2021 to 18.03.2021 and the difference of pay since 2009 till 18.03.2021 amounting to Rs.3,98,512/-.

Learned counsel for the petitioner contends that the petitioner had joined as Salesman in the respondent No.6-Society on 19.04.1984. The petitioner becomes entitled to proficiency step up after 8 years of service from 19.04.1992 in the cadre of Salesman and further entitled to proficiency step up after 16 years of service from 19.04.2000 and after 24 years of service in the year 2008 but the

same has not been granted by the respondents. The petitioner was promoted to the post of Secretary of the respondent-Society in the year 2009. The petitioner becomes entitled to ACP after 4 years of service in the cadre of Secretary in the year 2013 and after 9 years of service in the year 2018 but the same have also not been sanctioned by the respondents. The petitioner has been granted the pay scale in the Grade of 4020-6200 (fixed by Registrar Co-operative Societies) with benefit of one annual increment in the new pay scale w.e.f. 1998. As per the letter dated RCS/Loan/CAS/134 dated 04.04.2012 from Registrar, Cooperative Societies, Punjab Chandigarh revised pay scales have been granted to the employees of the Cooperative Societies from 01.12.2011 as per recommendations of 5th Pay Commission Punjab. A resolution was passed in the meeting of the respondent-Society and the petitioner is retired from service on completing 58 years of age though the petitioner was working beyond 58 years of age from 01.01.2021 to 18.03.2021 and is held entitled to retirement benefits according to the service rules and the resolution is recommended by the Department. The petitioner submitted several representations dated 03.06.2021, 26.07.2021, 25.06.2022 and 06.07.2023 (Annexures P-8 to P-11 respectively), to the respondents but no action has been taken till date. Learned counsel further contends that the petitioner has served legal notice through his counsel dated 15.06.2023 (Annexure P-12) to respondents, 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. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1 to 5

and submits that respondent No.3 is the competent authority to decide the legal notice.

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 15.06.2023 (Annexure P-12), respondent No.3 is directed to decide the legal notice in accordance with law, 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 petitioner is found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to him by the respondent No.6 within a period of 8 weeks thereafter.

The petition stands disposed of.

04.10.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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