

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**COCp-2896-2022 (O&M)
Date of decision: 28.04.2023**

Vijay Kumar Lamba

....Petitioner

Versus

Ankur Gupta and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

Mr. Harsh Vardhan Shehrawat, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Despite second call, there is no representation on behalf of the petitioner.

Fresh affidavit on behalf of the Engineer-in-Chief, PWD (B&R) Department, Haryana, filed in the Court is taken on record.

Brief facts of the case are that the petitioner has filed CWP No.12944 of 2019, which was disposed of on 16.05.2019, by giving the following directions:-

“Learned counsel for the petitioner has no objection in case an appropriate direction is issued to the department to consider the case of the petitioner for the grant of the said relief of pay scale of `13500-17250 and also grant him the same in case he is found entitled for, if his case is covered by the abovesaid judgment. Counsel for the petitioner prays that in case, it is found that the petitioner was within first 20% of the cadre post on 01.01.1996 so as to be entitled for the pay scale of Rs.13500-17250, same be released to him as well.

Keeping in view the above, the present writ petition is disposed of with a direction to the respondents to consider the case of the petitioner for the grant of benefit of pay scale of Rs.13500-17250 w.e.f. 01.01.1996, in case, it is found that the petitioner was working against the 20% of the cadre post on the relevant date i.e. 01.01.1996. Let the consideration be carried out within a period of three

months from the receipt of copy of this order and appropriate speaking order be passed in this regard.

In case, after the decision, it is found that the petitioner was entitled for the said benefit, the appropriate relief will be granted to the petitioner within a period of next one month.

At this stage, this Court is not expressing any opinion on merits of the case as the same are to be decided by the respondents while considering the case of the respondents in pursuance to this order.”

It is further stated that a speaking order dated 24.04.2023, has been passed, copy of which is attached with the reply. Accordingly to which the pay of the petitioner was refixed on 02.07.2020, the revised pay-scale of the petitioner was 13500-17250 and the arrears of pay have been released to the petitioner, who stands retired and pension has also been paid. It is also stated that as per the letter of the Finance Department dated 27.08.2019 and 11.12.2019, the instructions have been issued regarding implementation of the order of the Court regarding the dismissal of SLP No.39474-39475 of 2013, in which it is stated that the interest on due arrears is to be granted and neither the interest nor the interest on interest is to be granted, in the case of petitioners of writ petitions wherein there is no such specific order.

Counsel for the State in view of the above submits that by passing a detailed speaking order, the grievance of the petitioner stands redressed and no further action is called for.

Accordingly, the present petition is disposed of having been rendered infructuous.

However, liberty is granted to the petitioner to avail the alternative remedy in accordance with law, if so advised.

(ARVIND SINGH SANGWAN)
JUDGE

28.04.2023

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No