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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-26040-2023 (O&M)
Date of Decision: 20.11.2023

Sadhu Singh Randhawa

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Surmukh Singh, Advocate
for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this writ petition assails the speaking order passed by the respondent dated 04.11.2022, and submits that the petitioner was entitled to receive the higher pay scale as entitled to the Director, SCERT as he has worked on the said post of Director, SCERT. The post was vacant and the petitioner was performing his duties as a Director and therefore in terms of para 4.16 of the Punjab Civil Service Rules, he was entitled to receive the higher pay. It is stated that the order passed by the respondents is therefore liable to be set aside.
2. I have considered the submissions.
3. This Court vide order dated 08.04.2021 had disposed off the earlier writ petition of the petitioner bearing No.CWP-7890-2021 whereby this Court had directed the respondents to pass a speaking order and decide the legal notice, whereafter vide impugned order the authorities have considered the case of the petitioner and found that the petitioner had been assigned the additional charge of the post of Director, SCERT

in his own pay scale in addition to his assignment as Deputy Director.

The order also specifically mentioned that he will continue to deal with the SSA work under the supervision of Director General (School Education) and that he would not be given any remuneration or seniority for the additional work.

4. The respondents have therefore rejected the claim of the petitioner since it was not an order whereby the petitioner was exclusively on the post of Director SCERT, and he was not exclusively performing duties of Director alone, but was actually performing his duties, and in addition, he was performing higher duties also. The higher pay scale in such circumstances is not available to him in view of the judgment passed by the Full Bench of this Court in the case of ***Subhash Chander vs. State of Haryana and others in CWP-21358-2008***, decided on 20.12.2011.
5. Learned counsel submits that the DPC had also recommended his case for appointment on the post of Director. However, this Court finds that there is no such order available on record.
6. The petitioner has been granted the benefit of ACP by the concerned department. No further relief as claimed by the petitioner is found to be made out.
7. Present writ petition stands ***dismissed***.

(SANJEEV PRAKASH SHARMA)
JUDGE

November 20, 2023

Mohit goyal

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No