

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

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CWP-26603-2023

Date of decision: 05.12.2023

MUNSHI RAM**.....Petitioner****VERSUS****PUNJAB STATE POWER CORPORATION LTD AND OTHERS****.....Respondents****CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Ms. Kiranjeet Kaur, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant 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 amend the error in the salary of the petitioner being senior employee subject to step-up with his junior employee i.e. respondent No.6 from 12.05.2002 onwards, as respondent No.6 being junior employee had drawn more salary than the petitioner as J.E. S/S and in this manner from 12.05.2002 onwards, the petitioner is going through continuous financial loss till 31.12.2012 for a sum of Rs.1,06,134/- and with a further prayer to direct the respondents to send the case of the petitioner to the respondent No.2 after annexing proper documentation and other required annexures for its proper adjudication and further to decide the legal notice dated 21.09.2023 (Annexure P-6).

Learned counsel for the petitioner contends that the petitioner had joined the respondent-department on 05.11.1983 as S.S.A. and further promoted as S.S.O. on 19.09.2003 and was retired from service on 31.05.2013 on attaining the age of superannuation. He submits that salary of the petitioner was fixed at

Rs.6100/- on 01.01.1996 by providing the benefit of bunching as per the Power Com

Finance Circular No.9/98 (2nd Proviso below Reg. 7) and the next annual increment was fixed for 01.01.1997 and the same was got pre-audited by the Accounts Officer, Field Bathinda. However, on 01.01.1996, the salary of his junior namely Milakh Raj, SSA i.e. respondent No.6 was fixed at Rs.5900/- and the date of next annual increment was 01.05.1996 but when 16th yearly scale was granted to the junior employee, SSO then, from 12.05.2002 the junior employee started withdrawing more salary than the petitioner. Learned counsel further submits that petitioner served a legal notice dated 21.09.2023 (Annexure P-6) to the 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.

Ms. Sehaj Sandhawalia, Advocate accepts notice on behalf of the respondents No.1 to 5 and filed her Memo of Appearance, which is taken on record. Learned counsel submits that respondent No.1 is the competent authority to take final decision and she 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 21.09.2023 (Annexure P-6), respondent No.1 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 petitioner 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.

(DEEPAK MANCHANDA)
JUDGE

December 05, 2023
Nisha-II