

121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27630-2023
Date of decision: 08.12.2023

Kosh Pati DhawanPetitioner

V/s

Punjab Water Supply and Sewerage Board and another
.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Dharmender Singh Rawat, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to step up the pay of the petitioner at par with the pay of his Junior Scheduled Caste Category roster point promotee employee Sh. Babu Lal with all consequential benefits in accordance with law settled by this Court in *CWP-5956 of 2008 titled as Charan Dass Vs. State of Haryana*, (Annexure P-2) *CWP-17280-2011 titled Prem Kumar Verma and others Vs. State of Haryana*, (Annexure P-3), *CWP-18307-2011 titled Gurmeet Singh and another Vs. Punjab School Education Board and others*, (Annexure P-4), *CWP-23674-2016 titled Kulbhushan Gupta Vs. State of Punjab*, (Annexure P-7) and *CWP-21527-2014 titled Jai Singh Kadian and others Vs. State of Haryana and aother* (Annexure P-8) and further writ in the nature of certiorari be issued for quashing the impugned instruction dated 10.10.2019 (Annexure P-12) vide which respondent No.2 has held that while granting benefit of

stepping up of pay to the Senior General Category Employees at par with Junior

Schedule Caste Category on account of catching up, benefit of ACP will not be granted to the Senior General Category Employee.

Learned counsel for the petitioner contends that the petitioner belongs to General Category and was appointed as Junior Engineer with the Punjab Water Supply and Sewerage Board on 31.03.1977. Sh. Babu Lal belongs to Scheduled Category was also appointed as Junior Engineer along with the petitioner but in the cadre of Junior Engineer, the petitioner was senior to him. In the seniority list of the Junior Engineers dated 29.08.1995, the petitioner was placed at seniority No.78 while Sh. Babu Lal was placed at Sr. No. 85. Though, the said employee was much junior to the petitioner in the cadre of Junior Engineer but by taking advantage of reservation in promotion, said Babu Lal was promoted as Sub Divisional Engineer on 23.12.1992 against roster point reserved for Scheduled Caste Category Employees.

He further contends that petitioner has submitted representations dated 05.07.2017, 12.02.2019 and 14.11.2019 with a request to respondents to step up his pay at par with his junior Scheduled Caste Category employee Sh. Babu Lal but no action has been taken till date. He again submits that respondent No.1 also after treating the petitioner as senior to Sh. Babu Lal in the cadre of Sub Divisional Engineer prepared the case of the petitioner for stepping up of pay at par with Sh. Babu Lal and referred the matter to the respondent No. 2, and respondent No. 2 vide letters dated 04.09.2020 and 29.09.2023 returned the case of the petitioner back to the respondent No. 1 with a direction to the respondent No. 1 to decide the case of the petitioner at its own level in terms of Instructions dated 14.03.2017 and 22.10.2019 issued by the State of Punjab but till date respondent No. 1 has done nothing substantial to step up the pay of the petitioner at par with the pay of his junior Sh. Babu Lal. Learned counsel again submits that petitioner would be

satisfied if necessary directions are given for deciding the representation dated 14.11.2019 (Annexure P-17) in a time bound manner.

Notice of motion.

On asking of the Court, Mr. Sanjeev Soni, Advocate, who is present in the Court, accepts notice on behalf of respondent No.1 and Mr. Arun Gupta, AAG Punjab, who is also present in the Court, accepts notice on behalf of respondent No.2 and and they do 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 representation dated 14.11.2019 (Annexure P-17), respondent No.1 is directed to decide the aforesaid representation in the light of settled proposition of law laid down in case titled *CWP-5956 of 2008 titled as Charan Dass Vs. State of Haryana, CWP-17280-2011 titled Prem Kumar Verma and others Vs. State of Haryana, CWP-18307-2011 titled Gurmeet Singh and another Vs. Punjab School Education Board and others, CWP-23674-2016 titled Kulbhushan Gupta Vs. State of Punjab*, and *CWP-21527-2014 titled Jai Singh Kadian and others Vs. State of Haryana and aother* by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

08.12.2023
Sapna

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