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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1056-2019(O&M)
Date of decision: 22.07.2024

Hans Raj

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Mohnish Sharma, Advocate, for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Rahul Dev Singh, Advocate with
Ms. Sheenam Banchta, Advocate,
for respondent No.2 to 7.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking a writ in the nature of *mandamus* directing the respondents to pay the salary/remuneration of the higher posts of Consumer Clerk, Head Clerk (equivalent to Upper Division Clerk, Commercial Assistant) on which the petitioner has already worked and is working on the asking/orders of the respondent-Nigam.

2. Mr. Mohnish Sharma, learned counsel for the petitioner has submitted that the limited prayer in the present petition is that the petitioner was initially working as a Meter Reader and thereafter, he has been promoted



during the pendency of the present petition and while he was earlier working on the aforesaid post, he had also been discharging the duties at a higher post regarding which various annexures have been annexed with the present petition which have not been denied by the respondents. He further submitted that it is a settled law that whenever an employee has worked on a current duty charge or on officiating basis on a higher post, then he has to be paid the salary accordingly. He also relied upon a judgment of Hon'ble Supreme Court in **Smt. P. Grover versus State of Haryana and another, 1983 (4) SCC 291** and a Full Bench judgment of this Court in **Subhash Chander versus State of Haryana and others, 2012 (1) SLR 207** in this regard.

3. During the course of arguments, learned counsel for the petitioner has also referred to instructions issued by the respondent-Nigam dated 17.03.2023 and submitted that a decision has been taken by the Nigam while considering all the earlier judgments and laws applicable on the point and his only limited prayer is that his claim for grant of higher salary at the time when he worked on a higher post be considered and decided in the light of the judgments as aforesaid and also in the light of the instructions issued by the respondent-Nigam dated 17.03.2023.

4. Mr. Rahul Dev Singh, learned counsel appearing on behalf of the respondent-Nigam with Ms. Sheenam Banchta, learned counsel submitted that the claim of the petitioner will be considered and decided by the respondent-Nigam in accordance with law by passing an order within a period of three months from today.

5. In view of the aforesaid facts and circumstances, the present petition is disposed of. The respondent-Nigam is directed to pass a detailed



speaking order on the aforesaid limited prayer of the petitioner that his claim be considered in the light of the judgments as aforesaid and also in the light of the instructions dated 17.03.2023 within a period of three months from today.

(JASGURPREET SINGH PURI)
JUDGE

22.07.2024
rakesh

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