

110

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1577-2024 (O&M)

Date of Decision: 24.01.2024

Suresh Kumar Soni

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sajjan Singh, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari to quash the impugned letter dated 27.09.2023 (Annexure P-2) whereby benefit of step up of pay fixation of the petitioner at par with his junior has been declined by respondent No.5 despite approval of the same by the Whole Time Directors of respondent-Nigam and circulated vide order dated 11.04.2023 (Annexure P-1) with a further prayer for directing the respondents to implement approval of step up of pay of petitioner at par with his junior as ordered by the Whole Time Directors of respondent-Nigam which has been circulated vide order dated 11.04.2023 (Annexure P-1).

2. It has been submitted by the learned counsel for the petitioner that vide order dated 11.04.2023 (Annexure P-1) the Whole Time Directors

of HVPNL have taken a decision in favour of the petitioner for granting of stepping up of pay at par with his junior counterparts. However suddenly the Accounts Department has taken a U-turn and passed the impugned order Annexure P-2 which was purportedly passed by some Accountant. He submitted that however the aforesaid order (Annexure P-2) was not brought to the notice of the Controller of Accounts or to the Whole Time Directors or to the Managing Director. He submitted that at this stage he will be satisfied in case he may be permitted to file a comprehensive representation to respondents No.2 and 4 and direction may be issued to decide the same.

3. Notice of motion.

4. On the asking of the Court, Mr. Samarth Sagar, learned Additional Advocate General, Haryana accepts notice on behalf of all the respondents. He submitted that since the petitioner at this stage has taken up a limited prayer for considering his representation by respondent No.4, in case it is so filed within time frame work and in accordance with law and he has no objection in case some time frame work is fixed in this regard and any direction is issued for considering and deciding the representation, if any.

5. In view of the aforesaid position and without commenting anything on the merits of the case and even without calling for reply from the respondents, this Court deems it fit and proper to dispose of the present petition by issuance of directions to respondent No.4. The petitioner shall be at liberty to file any comprehensive representation within a period of two months from today to respondent No.4. In case any such representation is filed to respondent No.4, then respondent No.4 shall consider and decide the representation strictly in accordance with law by passing a speaking order

and after granting opportunity of hearing to the petitioner within a period of two months thereafter.

6. The present petition stands disposed of.
7. It is made clear that in case the petitioner is aggrieved by any order passed by respondent No.4, then he shall be at liberty to file a fresh petition before this Court and in accordance with law.

24.01.2024

rakesh

Whether speaking : Yes/No

Whether reportable : Yes/No

(JASGURPREET SINGH PURI)

JUDGE