

**CWP-4501-2019****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(244)****CWP-4501-2019****Date of Decision : October 15, 2024****Lakhwinder Singh Attri****.. Petitioner****Versus****State of Punjab Through Secretary and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sandeep Sharma, Advocate, for the petitioner.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that the petitioner was asked to discharge the duties of the post of Cashier hence, the petitioner should be given the pay scale of the post of Senior Assistant as only the Senior Assistants were being asked to discharge the duties of the post of Cashier and therefore, even if the petitioner's cadre is of Clerk, the petitioner is entitled for the pay scale of Senior Assistant while discharging the duties of the post of Cashier.

2. Upon notice of motion, the respondents have filed the reply wherein, the respondents have mentioned that the duties of the post of Cashier can be granted to the Clerk as well as to the Assistants and while working as Cashier, for handling the cash amount, certain benefits are to be given in cash, which have been given to the petitioner and therefore, the petitioner cannot raise any grievance.

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3. Learned counsel for the respondents submits that merely that the Assistants are also asked to discharge the duties of the post of Cashier does not mean that the petitioner is to be given the pay scale of Assistant while discharging the duties of Cashier.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. As per the reply, keeping in view the instructions which have been issued by the respondents, copy of which has been appended as Annexure R-1 dated 21.05.2010, the Clerk or the Assistant, as the case may be, can be asked to discharge the duties of the post of Cashier in case of need. The petitioner, who was working as Clerk, has been asked to do the said duties. While performing the duties of the Cashier, instructions dated 21.05.2010 (Annexure R-1) have been implemented qua the petitioner as he has been given the benefit of consolidated remuneration for handling the cash. The said fact stands conceded during the hearing of the present case.

6. The argument of the learned counsel for the petitioner that the petitioner should be treated as Assistant while discharging the duties of the Cashier, cannot be accepted. As per the instructions dated 21.05.2010 (Annexure R-1), the Clerk or Assistant, as the case may be, can be asked to discharge the duties of the Cashier and whosoever is discharging the duties is only entitled for extra remuneration for handling the cash. The Clerks given the duties of the Cashier, cannot mean that Clerks become Senior Assistant for the purpose of salary.

7. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case

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so as to grant the petitioner the salary of the Senior Assistant even while working on the post of Clerk, only on the ground that the petitioner discharged the duties of the post of Cashier.

8. Dismissed.

October 15, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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