

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

207

CWP-18350-1998 (O&M)
Date of decision: 20.04.2024

Ram Lal

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sunny Singla, Advocate
for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY. J (Oral)

1. The prayer in the present petition is for directing the respondents to pay to the petitioner the salary for the post of clerk against which he had been discharging his duties.
2. Learned counsel would contend that the petitioner was appointed by the Departmental Selection Committee to the post of Store Boy, a Class IV post, in the pay scale of Rs.325-495 vide orders dated 31.10.1981 and in the same year, he was assigned duties of higher post of clerk. However, salary for that post was not granted to him against which he finally came to be promoted on 14.12.2016, Annexure P-14. No decision regarding it has been taken by the department in the speaking order dated 23.11.2012, Annexure P-9 and even previously vide order dated 05.08.1999, Annexure R-1, it had been observed that regarding giving salary to the petitioner for working against clerical seat, shall be considered later on. His entitlement stems from the judgments in **Selvaraj vs. Lt. Governor of Island, Port Blair**, 1998(4) RSJ 22; **Smt. P. Grover vs. State of Haryana and another**, (1983) 4 SCC 291; **Om Parkash and others vs. The State of Punjab and**

others, 2003(4) SLR 100; **Darshan Singh vs. State of Punjab**, CWP-4552-2003, decided on 01.07.2010; **Sukhraj Singh and others vs. State of Punjab and another**, CWP-9125-2014, decided on 09.01.2018, and **Gurjant Singh and others vs. State of Haryana and others**, CWP-26598-2015, decided on 12.03.2020. He, on instructions, prays that the petitioner would be satisfied, in case a time bound direction is given to the respondents to consider his claim, keeping in view the aforesaid judgments.

3. Learned State counsel has no objection to the limited prayer made.

4. In wake of the aforesaid and without commenting on the merits of the case, this petition is hereby disposed of with a direction to the respondents to consider and decide the claim of the petitioner within a period of 6 months, by taking into account the aforesaid submissions as also the judgments relied upon, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so after notice and hearing offered to him and if found entitled, notional benefits be granted forthwith. Needless to say, if the orders are adverse to his interest, the same shall contain reasons and the petitioner shall be free to seek legal redress.

(AMAN CHAUDHARY)
JUDGE

20.04.2024
Hemant

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