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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7020-2020
Date of decision: 05.04.2024

TEJPAL SHARMA

...Petitioner

VERSUS

CHIEF ADMINISTRATOR, HARYANA STATE AGRICULTURAL
MARKETING BOARD AND ANR.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- None for the petitioner.

Mr. Gaurav Jindal, Advocate
for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents for stepping up the pay of the petitioner at par with his junior namely Harikesh with effect from 03.04.1998 in view of the instructions dated 05.03.2009 (Annexure P-1) issued pursuant to Ajit Singh Janjua case and for releasing the payment of arrears with interest of re-fixation, leave encashment, gratuity and other benefits accrued to the petitioner.
2. On the last date of hearing, there was no representation on behalf of the petitioner and same was the position even on the earlier dates as well. In fact, after the notice of motion was issued by this Court, learned counsel for the petitioner did not appear at all.

3. On the last date of hearing i.e. on 12.03.2024, the following order was passed by this Court:-

“None has caused appearance on behalf of the petitioner.

On the other hand learned counsel for the respondents stated that all the benefits have been given to the petitioner and the petition has become infructuous.

Since learned counsel for the petitioner has not come present, in the interest of justice, adjourned to 05.04.2024.

It is made clear that in case on the next date of hearing learned counsel for the petitioner does not appear then the matter will be taken up on its own merits based upon the pleadings.”

4. Today again, none has appeared on behalf of the petitioner. However, learned counsel for the respondents while referring to the reply filed on behalf of the respondents submitted that all the benefits have already been granted to the petitioner. He referred to para No.2 of the aforesaid reply, which is reproduced as under:-

*2. That it is, respectfully, submitted that the benefit of stepping up of pay at par with employee of SC category i.e. Sh. Harikesh has already been granted vide order dated 11.09.2019 (Annexure P-4) in terms of Instruction dated 05.03.2009. It is further, respectfully, submitted that thereafter vide office order dated 20.03.2020 the pay of the petitioner was re-fixed w.e.f. 4.4.1998 and thereafter vide office letter dated 10/12/2020 pensionary benefits including the leave enhancement were also released. The detail of the same are annexed as **Annexure R-1, R-2 and R-3** respectively. It is therefore submitted that every benefit in terms of the order dated 11/09/2019 has been paid and*

now nothing remains to be paid. As the present petition was filed by the petitioner on 28.01.2020 and the benefit has already been released thereafter vide order dated 20.03.2020 and therefore the present petition be disposed of as infructuous in the interest of justice.

5. In view of the aforesaid facts and circumstances, the present writ petition being devoid of any merit, is hereby dismissed.

05.04.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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