



CWP-10193-2020 (O&M)

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

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CWP-10193-2020 (O&M)
Date of decision: 10.05.2024

Amrit Kaur and another

....Petitioners

Versus

Punjab School Education Board and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. K.L. Arora, Advocate for the petitioners.

Mr. R.S. Kalra, and
Ms. Mona Yadav, Advocates for the respondents.

AMAN CHAUDHARY, J. (Oral)

1. The prayer made in the present petition is for directing the respondents to continue the petitioners on the post advertised, whereunder they were selected and appointed, as well to direct them to give one weekly rest with wages, along with full salary for each month without any deduction.

2. Learned counsel contends that pursuant to an advertisement issued in January 2001, Annexure P-1, the petitioners were appointed as Helpers-Class IV by the Selection Committee on 07.03.2001, Annexure P-2, however, have been made to work on higher post of Clerk while being paid wages of Helpers, as also deducting salary for the weekend, in which regard, he has referred to Annexures P-9 to P-9/6 and Annexures P-11 to P-11/2. Their claim is covered by the judgment of this Court in **Hardev Singh and another vs. State of Punjab and others**, CWP-13002-2012, decided on 06.12.2012, against which the LPA and SLP, both stand dismissed, vide judgment dated 09.04.2014 and 27.07.2015, respectively, affirming the same. The relevant paras of **Hardev Singh and**



“It is by now well settled that any employee, who is called upon to discharge the work and duties of a higher post would be entitled to the pay and emoluments of such higher post. Reference in this regard may be made to a judgment of the Hon'ble Apex Court in the case of **Smt. P. Grover Vs. State of Haryana & others 1983 (3) SLR 474**. In the case of Smt. P. Grover (Supra), the petitioner therein had been granted the officiating charge of the District Education Officer with a clear stipulation that she would continue to draw her salary as per pay scales on the lower post and it had been categorically held that the denial of the scale of the post of District Education Officer, the officiating charge of which had been granted to her, was arbitrary and not justified.

Accordingly, the present writ petition is allowed. The petitioners are held entitled to the pay/emoluments of the post of Junior Engineers for the period that they held the additional charge of such higher post i.e. for the period from 14.07.2009 to 21.05.2012 in respect of petitioner no.1 and for the period from 18.08.2008 to 21.05.2012 in respect of petitioner no.2. The requisite benefits be calculated and released to the petitioners within a period of two months from the date of receipt of a certified copy of this order.”

3. Learned counsel, at this stage, on instructions, submits that for the said claims, the petitioners would file a representation, which may be directed to be decided in a time bound manner.

4. Learned counsel for the respondents has no objection to the limited prayer made.

5. In view of the above and without commenting upon the merits of the case, this petition is hereby disposed of with a direction that in case the petitioners submit representation within a period of 4 weeks, the same shall be decided by the

respondents considering the aforesaid judgment, within four months, which this



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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 them and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to their interest, the same shall contain reasons and the petitioners shall be free to seek legal redress thereupon.

6. Pending applications, if any, also stand disposed of.

(AMAN CHAUDHARY)
JUDGE

10.05.2024
Hemant

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