

CM-4960-CWP-2024 &
CM-4961-CWP-2024 in/&
CWP-16315-2006

-1- 2024:PHHC:042586

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

CM-4960-CWP-2024 &
CM-4961-CWP-2024 in/&
CWP-16315-2006
Date of Decision :01.04.2024

Rup Singh

...Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashwani Bakshi, Advocate for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-4960-CWP-2024

As prayed for, application is allowed.

CM-4961-CWP-2024

Present application has been filed for fixing the main writ petition at an actual date of hearing.

Keeping in view the averments made in the application, which are duly supported by an affidavit, application is allowed. Main writ petition is taken up for hearing today itself.

CWP-16315-2006

1. In the present petition, grievance of the petitioner is that for the period, the petitioner discharged the duties of the post of Superintendent, he is entitled for the grant of salary of the said post.

2. Learned counsel for the petitioner submits that similarly situated employees also approached this Court claiming the same relief by filing CWP-18220-2007 wherein, the benefit as being claimed by the petitioner in the present petition, has already been extended in favour of the similarly situated employees by this Court while passing order dated 05.03.2024 in CWP-18220-2007 hence, the petitioners may kindly be granted the said benefit as granted by this Court to the similarly situated employees in CWP-18220-2007 vide order dated 05.03.2024.

3. Learned State counsel though, has conceded the fact that the benefit as being claimed by the petitioner in the present petition, has already been extended by this Court while passing order dated 05.03.2024 in CWP-18220-2007 in favour of the similarly situated employees, who were claiming pay of the post of Superintendent from the date they discharged the duties of the said post but submits that as the petitioner was not eligible to hold the said post of Superintendent, petitioner is not entitled for the grant of salary of the said post.

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

5. Once, the petitioner was made to discharge the duties of the post of Superintendent, the respondents cannot take the objection that the petitioner was not eligible to hold the post of Superintendent. In case, the petitioner was ineligible to hold the said post of Superintendent, then, what made the respondents to grant the petitioner current duty charge of the post of Superintendent. Once, the petitioner actually discharged the duties of the post of Superintendent, he is entitled for the grant of salary of the said post

as being granted to the other similarly situated employees by this Court in CWP-18220-2007.

6. Keeping in view the above, petitioner is held entitled for the grant of salary for the period he discharged the duties of the post of Superintendent as granted by this Court to the other similarly situated employees. The respondents are directed to compute the benefits, for which, the petitioner was entitled under this order with regard to the period the petitioner has discharged duties of the post of Superintendent.

7. Let the present order be complied with within a period of 08 weeks from the date of receipt of copy of this order.

8. Civil Miscellaneous application pending, if any is disposed of.

April 01, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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