

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9936-2024
Date of decision: 02.05.2024

ASHOK PANNU

...Petitioner

VERSUS

DAKSHIN HARYANA BIJLI VITRAN NIGAM AND ANOTHER
...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. S. K. Nehra (Sirsa), Advocate for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to grant the salary for the post of Assistant Engineer to the petitioner w.e.f. 01.01.2015 to 08.12.2021 for holding current duty charge for the post of Assistant Engineer in public interest till his regular promotion to the post of Assistant Engineer along with interest @ 9% per annum on the arrears of difference of salary for the post of Assistant Engineer and Junior Engineer.

2. Learned counsel for the petitioner submitted that the petitioner had served a legal notice dated 03.03.2023 (Annexure P-5) to the respondents but the same has not been considered and decided till date. He further submitted that at this stage, the petitioner will be satisfied in case the aforesaid legal notice dated 03.03.2023 (Annexure P-5) is considered and decided by the respondents in a time bound manner.

3. Notice of motion.
4. On the asking of the Court, Mr. Samarth Sagar, Addl. A. G., Haryana, who is present in the Court, accepts notice on behalf of the respondents. He submitted that in view of the limited prayer made by learned counsel for the petitioner, he has no objection in case a time bound direction is issued by this Court in this regard.
5. In view of the aforesaid facts and circumstances, without calling for the reply from the respondents and without expressing anything on the merits of the case, the present writ petition is disposed of with a direction to respondent No.1-Managing Director, DHBVNL, Hisar (Haryana) to consider and decide the legal notice dated 03.03.2023 (Annexure P-5) strictly in accordance with law and within a period of three months from today. The respondent No.1-Managing Director, DHBVNL, Hisar (Haryana) will pass a speaking order in the light of the judgment of the Hon'ble Supreme Court in Smt. P. Grover versus State of Haryana and another, (1983) 4 SCC 291, a Full Bench judgment of this Court in Subhash Chander versus State of Haryana and others, 2012 (1) SLR 207 and judgment of this Court in Om Kumar Dalal versus Dakshin Haryana Bijli Vitran Nigam Limited and others, CWP-20165-2021, decided on 02.02.2024 (Annexure P-6).

02.05.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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