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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18038-2020(O&M)
Date of Decision:10.12.2024

Satya Bhan

....Petitioner(s)

Versus

Haryana Shehri Vikas Pradhikaran and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ankur Goyat, Advocate for
Mr. Ramesh Goyat, Advocate, for the petitioner.

Mr. Anil Chawla, Advocate, for respondents No.1 to 4.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for setting aside the impugned order/letter dated 13.10.2020 (Annexure P-6) vide which the respondents have denied to step up the pay of the petitioner at par with his junior/respondent No.5, with a further prayer to direct the respondents to step up the pay of the petitioner at par with his junior/respondent No.5 as Fitter Grade-II w.e.f. 10.11.2000 alongwith all consequential benefits and arrears thereof including interest @ 18% per annum.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was appointed as Fitter Helper with the respondent-



Pradhikaran on 02.09.1984 and his services were regularized on the aforesaid post on 03.08.1993. However, respondent No.5 namely, Sushil Kumar was appointed as Fitter Helper on 01.01.1986 and his services were also regularised on 03.08.1993. He further submitted that the grievance of the petitioner is that the aforesaid Sushil Kumar was junior to the petitioner because the petitioner was appointed prior to the aforesaid Sushil Kumar and in a similar situation, there was another employee namely, Jagdish Rai who was also senior to the aforesaid Sushil Kumar likewise as that of the present petitioner and he filed a civil suit for declaration and it was so directed by the learned Civil Court that the plaintiff of the aforesaid civil suit namely, Jagdish Rai was entitled for stepping up of the pay w.e.f. 11.10.2000 that is date when the aforesaid Sushil Kumar was granted the benefit. He submitted that so far as the present petitioner is concerned, he was also senior to the aforesaid Sushil Kumar and therefore, his case was covered by the aforesaid judgment of the Civil Court because the same was challenged by the respondents in RSA and the RSA was dismissed vide Annexure P-3 and therefore, the aforesaid judgment passed by the Civil Court in favour of the aforesaid Jagdish Rai has attained finality. He submitted that he served a legal notice to the respondents vide Annexure P-5 and a reply to the same was given by the Executive Engineer vide Annexure P-6 without even considering the aforesaid all aspects pertaining to his parity with the aforesaid Jagdish Rai and also that the petitioner was entitled for stepping up of pay w.e.f. 10.11.2000 with all the consequential benefits and arrears thereof. He submitted that it has been so stated in the reply which has been filed by the respondents in para No.3 that the petitioner joined the respondent-

Pradhikaran on 08.09.1984 and not on 02.09.1984 and in this way, they had

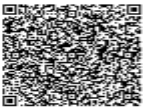


rather admitted that the petitioner was appointed on 08.09.1984 and was recruited through Employment Exchange, Jind. So far as the date of regularization is concerned, he submitted that as per the reply, the petitioner as well as the private respondent were regularised on 01.04.1993. He submitted that in this way the petitioner was also entitled for the same relief which was granted to the aforesaid Sushil Kumar but none of the issues have been considered by the aforesaid Executive Engineer while giving reply to the aforesaid legal notice.

3. On the other hand, learned counsel appearing on behalf of respondents No.1 to 4 has submitted that respondent No.5 is shown to be senior as per the seniority list (Annexure R-2) and that is why he was granted the benefit from the aforesaid date i.e. w.e.f. 10.11.2000 and the petitioner was junior to the aforesaid Sushil Kumar and therefore, he was not granted the relief. He also submitted that so far as the grievance of the petitioner that the petitioner was rather at parity with the aforesaid Sushil Kumar is concerned, the same was not considered by the Executive Engineer in this regard nor the comparative dates of the petitioner and the aforesaid Sushil Kumar were considered for the purpose of having a consequence upon the rights of the petitioner.

4. I have heard the learned counsels for the parties.

5. A perusal of the impugned order (Annexure P-6) would show that the Executive Engineer replied to the legal notice of the petitioner but the aforesaid issue which has been raised by the petitioner in the present petition pertaining to the parity etc. has not been considered at all.



6. After hearing the learned counsel for the parties, this Court is of the considered view that the aforesaid reply/order which has been passed by the Executive Engineer cannot be sustained because the issues which have been raised by the petitioner have not been considered at all.

7. Consequently, the present petition is partly allowed. The impugned order dated 13.10.2020 (Annexure P-6) is hereby set aside. The Managing Director of the respondent-Pradhikaran is directed to pass a fresh speaking order on the grievance raised by the petitioner. The petitioner shall be at liberty to make any other comprehensive representation to the Managing Director by raising all the pleas including the plea of parity. The Managing Director shall pass a speaking order by considering all the pleas which the petitioner raises in the representation and after hearing the petitioner or his counsel. The aforesaid exercise shall be completed within a period of four months from today and shall pass a speaking order regarding the same and a copy thereof shall be supplied to the petitioner.

10.12.2024

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	Yes/No
Whether reportable	Yes/No