

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

239

CWP-40-2020 (O&M)
Date of Decision:14.03.2024

Dharampal

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. A.K. Viridi, Advocate for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Pritam Singh Saini, Advocate and
Mr. Sanjay Saini, Advocate for the respondents-Nigam.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *Mandamus/Certiorari* directing the respondents to pay the difference of salary from 17.02.2015 to 26.10.2018 by which the petitioner discharged and worked on the post of SDO.
2. The learned counsel for the petitioner submitted that the petitioner was working as a Junior Engineer in the office of respondents- Dakshin Haryana Bijli Vitran Nigam (hereinafter to be referred to 'Nigam') and vide Annexure P-7 dated 17.02.2015, he was given current duty charge for discharging the duties on the post of SDO. He further submitted that thereafter, the petitioner continuously worked and discharged his duties on the post of SDO w.e.f. 17.02.2015 and subsequently he was promoted to

the aforesaid post on 26.10.2018. He further submitted that prayer in the present petition is for grant of difference of salary for the aforesaid period i.e. from 17.02.2015 to 26.10.2018 which has been denied to the petitioner by the respondents-Nigam. He further submitted that the case of the petitioner is covered by a judgment passed by this Court bearing No. CWP-23003-2018 on 08.01.2024 .

3. Learned counsel for the respondents has not been able to controvert the fact that the prayer made in the present petition is covered by the aforesaid judgement passed by this Court in CWP-23003-2018 decided on 08.01.2024.

4. After hearing learned counsel for the parties, this Court is of the view that the petition is squarely covered by the aforesaid judgement passed by this Court in CWP-23003-2018 decided on 08.01.2024. It is a settled law that an employee who discharges the duties at the higher post on the basis of orders passed by the employer, he has to be paid the salary for the said post.

5. In view of the aforesaid facts and circumstances, present petition is hereby allowed. The respondents-Nigam are directed to pay the difference of salary from 17.02.2015 till 26.10.2018 to the petitioner for the period he discharged his duties as an SDO on current duty charge basis within a period of three months alongwith interest @6% per annum.

(JASGURPREET SINGH PURI)
JUDGE

14.03.2024
shweta

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