

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

(1) LPA-1999-2023 (O&M)

State of Punjab & othersAppellant(s)
Versus
Lakhwinder Singh & anotherRespondent(s)

(2) LPA-102-2024 (O&M)

Municipal Corporation, JalandharAppellant(s)
Versus
Lakhwinder Singh & othersRespondent(s)

Decided on 15.02.2024

**CORAM : HON'BLE MR.JUSTICE G.S.SANDHAWALIA
ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE VIKAS SURI**

Present:- Mr.Saurav Khurana, Addl.A.G., Punjab, for the appellants in
LPA-1999-2023.

Mr.Nitin Kaushal, Advocate for the appellant in LPA-102-2024.

G.S. Sandhawalia, Acting Chief Justice (Oral)

1. Consideration in the present appeals, filed by the State of Punjab and Municipal Corporation, Jalandhar, which are barred by 180-211 days, is to the judgment passed on 12.05.2023 by the Learned Single Judge in CWP-3776-2021.
2. Vide the said judgment, Learned Single Judge held that the employee was entitled for the pay and allowances attached to the higher post of Superintendent Engineer having discharged duties on the said post and therefore, the condition imposed in the order dated 23.01.2014 whereby the employee was not to be given any financial benefits for doing the work of Superintendent Engineer was rendered otiose. Resultantly, directions were issued to release the benefits to the employee along with interest @ 6% per annum for the period commencing from the date the employee became entitled till the date of actual realization within a period of 12 weeks from the date of receipt of certified copy of the order.

3. Law stands settled which has also been cited by the Learned Single Judge by placing reliance upon the Full Bench judgment of this Court in **Subhash Chander Vs. State of Haryana & others, 2012 (1) PLR 778** apart from the judgment of the Apex Court in **Smt. P.Grover Vs. State of Haryana, AIR 1983 SC 1060, State of Punjab Vs. B.K.Dhir, (2017) 9 SCC 337** and **State of Punjab & another Vs. Dharam Pal, (2017) 9 SCC 395**. Apparently, the employee worked on the higher post as Superintendent Engineer being a Corporation Engineer from 23.01.2014 till 15.01.2018. He had given a request on 25.11.2019 for the grant of higher scales since he was performing the functions and discharging duties of higher responsibilities. Having come up to the stonewall response of the State, he was constrained to file the writ petition which has rightly been allowed by the Learned Single Judge.
4. Accordingly, we do not find any plausible reason as to why the present appeals have been preferred which are also time-barred. The rejection order dated 14.01.2020 (Annexure P-10) would also go on to show that there was non-application of mind at the level of the State while rejecting the representation dated 25.11.2019 which had been consigned to the record after consideration by the competent authority. The non-application of mind continues by filing these two appeals.
5. Resultantly, in view of the above discussion, both the appeals along with pending applications are hereby dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

February 15th, 2024
Sailesh

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No