



117 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-19163-2025

Date of Decision: 11.07.2025

Udey Bhan

...Petitioner

Vs.

State of Haryana and Another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. S.K. Verma, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 28.02.2025 (Annexure P-4) whereby respondent has rejected his claim for higher salary for the period he acted as Engineer-in-Chief.

2. The petitioner on 03.02.2020 was not eligible for the post of Engineer-in-Chief and he was holding post of Chief Engineer on the said date. He was senior most Chief Engineer. The post of Engineer-in-Chief fell vacant and respondent assigned him current duty charge of Engineer-in-Chief. He held current duty charge of Engineer-in-Chief from 03.02.2020 to 28.07.2021. He thereafter was appointed regular Engineer-in-Chief after granting relaxation in rules.

3. Mr. S.K. Verma, Advocate submits that petitioner during

February' 2020 to June' 2021 held current duty charge of Engineer-in-Chief, thus, he was entitled to salary of Engineer-in-Chief instead of Chief Engineer. As per instructions dated 06.01.2023 issued by State Government where an employee is given full-fledged charge of promotional post in the hierarchy against the vacant post, his pay is fixed considering the pay scale for promotional post for the period holding current duty charge. The petitioner was assigned current duty charge in February' 2020 and at that time, post of Engineer-in-Chief was lying vacant. The instructions are directly applicable to him, thus, he was entitled to salary of Engineer-in-Chief.

4. Ms. Rajni Gupta, Addl. A.G., Haryana, who on advance notice is present in Court, submits that as per Rule 76 of Haryana Civil Services (Pay) Rules, 2016 (hereinafter referred to as the '2016 Rules'), no additional pay is admissible for holding independent or additional charge of another post. The instructions of 2023 are inapplicable to petitioner because he was not fit for promotion.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. The petitioner on 03.02.2020 was Chief Engineer. He was senior most, however, was not possessing requisite experience, thus, was not fit for the promotional post. The respondent assigned him current duty charge and he continued to hold charge till 28.07.2021. He thereafter was promoted as Engineer-in-Chief after granting relaxation in Rules. He is claiming salary payable to Engineer-in-Chief for the post he held current duty charge. Rule 76 of 2016 Rules deals with pay on current duty

charge. The said Rule is reproduced as below:

“76- Fixation of pay on current duty charge:

No additional pay shall be admissible for holding, independently or in addition to own duties, current duty charge of another post(s) of the same or higher grade pay regardless of the duration.

Note: The current charge of the duties of another post(s) should be given in exceptional circumstances with the approval of appointing authority.”

The petitioner is further relying upon instructions dated 06.01.2023. The relevant extracts of instructions are reproduced as below:

“The matter has been considered in the Finance Department at length keeping in view the above facts and it is clarified that where an employee, who is otherwise fit for promotion, is given full-fledged charge of the promotional post in the hierarchy against the vacant post, his pay will be fixed considering the pay scale/pay structure of promotional post for the period holding CDC as per applicable rules/ instructions. Accordingly, only difference of pay for 02 posts while holding CDC shall be payable. However, the period spent on current duty charge would not be countable towards seniority as well as award of any financial benefit such as promotion, ACP etc. On actual promotion, his pay will be fixed by considering the presumptive pay of feeder post as if he has never been given current duty charge. This would hold good only for the period holding CDC till 31.12.2015 as HCS (Pay) Rules, 2016 have come into force w.e.f 01.01.2016.”

From the perusal of Rule 76 of 2016 Rules, it is evident that no additional pay is admissible for holding current duty charge, however, as per instructions it is payable if an employee is otherwise fit for

promotion and given full-fledged charge of promotional post against the vacant post. In the case in hand, the petitioner was given full-fledged charge of the promotional post. He was not entitled to pay of Engineer-in-Chief as per Rule 76 of 2016 Rules, however, his matter was required to be considered as per instructions of 2023. The instructions require that person holding current duty charge of higher post must be fit for promotion. The petitioner concededly was not fit for promotion because he was not possessing requisite experience. He was finally promoted as Engineer-in-Chief, however, after granting relaxation. Granting of relaxation in Rules does not entitle him salary of Engineer-in-Chief for the period he was holding current duty charge.

9. In the backdrop, the instant petition deserved to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

11.07.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No