

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

107

CWP-18659-2020

Date of Decision : April 28, 2026

KALI DASS AND OTHERS

-PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Pawan Kumar Goklaney, Advocate, with
Mr. Ashish Goklaney, Advocate
for the petitioners.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioners seek issuance of directions to the respondents to grant them higher pay/emoluments for the period during which they discharged the duties of the higher post of Junior Engineer, i.e. from the date they assumed such charge till the date they continued to work against the said post. The claim of the petitioners is founded upon the *order dated 06.12.2012* passed by a Co-ordinate Bench of this Court in *Hardev Singh and another vs. State of Punjab and others (CWP-13002-2012)*.

2. Learned State counsel, appearing for the respondents, has opposed the claim of the petitioners and submits that the petitioners, who were substantively holding the posts of Pump Operators, Assistant Electrical Foreman and Work Munshi, were entrusted with the additional charge of the post of Junior Engineer in their own pay scale, vide separate orders. It is contended that such entrustment was subject to the condition that neither

any additional remuneration or financial benefits would be payable, nor the said additional charge would count towards seniority.

3. It is further submitted that the said arrangement was temporary in nature, necessitated by exigencies of work at particular point of time, and did not amount to regular promotion to the post of Junior Engineer. It is contended that the petitioners continued to hold and discharge duties of their substantive posts and did not devote their full working time to the duties of Junior Engineer. Therefore, it is argued that the petitioners are not entitled to claim higher emoluments for holding additional charge of the said post.

4. This Court has heard learned counsel for the parties and perused the material on record. In the considered opinion of this Court, the stand taken by the respondents is unsustainable in law, particularly in view of their categorical admission regarding entrustment of the additional charge of the higher post of Junior Engineer to the petitioners, as well as the specific disclosure of the period during which the petitioners discharged such duties, as reflected in paragraph 7 of the reply.

5. The reasoning adopted by the respondents for denying the yearned for relief does not pass the test of legality. It is not in dispute that, in addition to their substantive duties, the petitioners had, in fact, discharged the functions of the higher post of Junior Engineer. In such circumstances, they would be entitled to the pay scale attached to the said higher post for the period during which they performed such duties.

6. Consequently, the petitioners are held entitled to the higher pay scale of the post of Junior Engineer for the period during which they discharged duties thereof, as detailed in paragraph 7 of the reply dated

29.06.2021. Accordingly, the instant writ petition is disposed of with a direction to the competent authority, amongst the respondents, to release the consequential monetary benefits to the petitioners within a period of six weeks from the date of receipt of a certified copy of this order.

7. **Disposed of accordingly.**

April 28, 2026
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No