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**(2013) 08 P&H CK 0138**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** CWP No. 17362 of 2013 (O and M)

Balwinder Singh and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

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**Date of Decision:** Aug. 12, 2013

**Acts Referred:**

- Constitution of India, 1950 - Article 14, 16

**Hon'ble Judges:** Tejinder singh dhindsa, J

**Bench:** Single Bench

**Advocate:** Sunny Singla, for the Appellant;

**Final Decision:** Disposed Off

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**Judgement**

Tejinder singh dhindsa, J.

The petitioners have filed the present petition claiming the pay scale/emoluments of the higher post of Principal

(School Cadre) Group-A/Head Master on account of having officiated against such higher post. The details of such officiation against the higher

post in respect of each of the petitioners have been reflected in Annexure P-1 appended along with the petition. It is by now settled that an

employee who is called upon to discharge the duties of the higher responsibilities in respect of a higher post would be entitled to the corresponding

salary/emoluments of such higher post. Denial of the same will be violative of the Articles 14 & 16 of the Constitution of India. Counsel further

raises a submission that in respect of certain petitioners the salary being enjoyed was already more than the basic pay of the next higher post.

Accordingly, reference is being made to Rule 4.4 of the Punjab Civil Service Rules Vol. I Part I to contend that in such a situation such petitioners

would be vested with a right to be given a step-up of an additional increment. Towards such assertion counsel would place reliance upon a judgment of this Court passed by a Coordinate Bench of this Court in case of Om Parkash and others Vs. State of Punjab & others reported as 2003 (3) S.C.T. 107.

2. Counsel further submits that even a legal notice dated 7.1.2013 (Annexure P-7) already stands served upon the respondent-authorities.

3. In the light of the averments made in the petition and on the strength of the submissions raised by learned counsel for the petitioners, I deem it

appropriate to dispose of the present petition with a direction to the respondent-authorities to consider the claim of the petitioner and decide the

legal notice dated 7.1.2013 (Annexure P-7) strictly in accordance with law by passing a speaking order within a period of four months from the

date of receipt of a certified copy of this order. Petition disposed of.