

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).23046/2008

(From the judgement and order dated 24/08/2007 in RSA No. 1647/1996 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

STATE OF PUNJAB & ANR.

Petitioner(s)

VERSUS

A.K.KAWATRA

Respondent(s)

With I.A. No.1 (C/delay in filing SLP)

Date: 30/01/2009 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. K.K. Khurana, Addl.AG
Mr. A.K. Mehta, Adv.
Mr. Ajay Pal, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

The question raised in this SLP is whether respondent who was working as Deputy Director Fisheries in 1964 and who was asked to hold additional charge as Director and Warden of Fisheries from 4.4.1964 to 25.5.1966 on the retirement of the Director, is entitled to the pay scale applicable to the post of Director, for that period.

This SLP deserved dismissal in view of the following specific admission in the synopsis and memo of dates of the petitioner in the SLP:

"It is pertinent to mentioned here that it is well established convention that such as incumbent who has been directed to hold the charge of a post carrying higher pay scale and responsibilities, (he) is allowed the higher pay scale from the date he started holding the additional charge of the higher post."

.....2.

-2-

ITEM NO.4 COURT NO.8 DATED 30.1.2009contd.

The learned counsel for the petitioner submitted that the above statement is due to an error in drafting. He submitted that the error crept in on account of the synopsis/memo of dates being copied from writ petitioners synopsis in the High Court. He stated that application will be made to file a modified/corrected synopsis/memo of dates. We realise that this is an error on the part of the counsel who prepared the SLP and list of dates and the State should not be made to suffer on that account.

Therefore, ignoring the said admission in the memo of dates that the respondent is entitled to higher pay scale, we issue notice on the SLP to the respondent subject, however, to payment of cost of

Rs.5,000/- (Rupees five thousands) to be deposited with the Supreme Court Legal Services Committee within one month from today.

(Ravi P. Verma)
Court Master

(S.S.R. Krishna)
Court Master