

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7112 of 1998

Date of Decision:- 16.09.2015.

Ved Parkash

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: None for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

P.B. BAJANTHRI, J.

1.) In this petition, the petitioner has prayed for quashing of the order dated 7.10.1997 vide Annexure P-8 by which a sum of ₹ 17601/- has been deducted from his retiral benefits. Further he has sought for a direction to refix his pay pursuant to Annexure P-5 and to grant senior scale w.e.f. 1.4.1994 and higher standard scale w.e.f. 1.4.1995 and further sought for grant of annual increments for the years 1994-1995-1996. He has also prayed for deemed date of promotion as Social Education and Panchayat Officer w.e.f. 16.4.1987 vide Annexure P-4.

- 2.) The petitioner was appointed as a Gram Sewak on 13.1.1964. On 5.3.1992 he was promoted as Social Education and Panchayat Officer. Petitioner retired from service on 31.5.1996.
- 3.) No one appears on behalf of the petitioner.
- 4.) Heard learned counsel for the State and perused the writ petition papers.
- 5.) The State has not filed statement of objections till date. Impugned order dated 7.10.1997 (Annexure P-8) by which a sum of ₹17601/- has been deducted from retiral benefits of the petitioner is without notice to the petitioner. On this short ground, the said order dated 7.10.1997 (Annexure P-8) is set aside. Insofar as seeking grant of senior scale, standard scale and annual increments which are due to the petitioner is concerned, the same is matter of record. Therefore, the respondents are directed to examine the issue and take a decision. However, it is made clear that the petitioner is not entitled to any arrears. If he is entitled for senior scale, higher scale and increments, only notional fixation of pay has to be made.
- 6.) The petitioner is seeking a deemed date of promotion to the post of Social Education and Panchayat Officer w.e.f. 16.4.1987, the date on which petitioner's juniors were promoted. The petitioner has not impleaded his juniors as party to this petition and also he has not questioned the order of promotion given to the so-called juniors. Moreover, cause of action accrued to the petitioner in the year 1987 or in the year 1992 when the juniors to the petitioner and petitioner

was promoted to the post of Social Education and Panchayat Officer on 5.3.1992. The present petition was filed in the year 1998. Therefore, insofar as seeking deemed date of promotion of Social Education and Panchayat Officer w.e.f. 16.4.1994 is concerned, the same is rejected on the ground of delay, laches, non-impleadment of juniors and in not questioning juniors' promotion.

7.) Learned State counsel submitted that it seems that retiral benefits have been settled pursuant to Annexure P-8 dated 7.10.1997. If the retiral benefits are not settled, the same shall be settled within a period of ten weeks from today along with interest @ 9% per annum.

8.) Accordingly, the writ petition is disposed of.

(P.B. BAJANTHRI)
JUDGE

September 16, 2015.

sandeep sethi