

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

C.W.P. No.18645 of 2012

Date of Decision : 11.05.2015

Mahender Singh

..... Petitioner

Versus

The State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. N. R. Dahiya, Advocate
for the petitioner.

Ms. Shruti Goyal, A.A.G., Haryana.

Mr. Devinder Singh, Advocate
for respondents No.3 and 4.

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?

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the orders dated 04.01.2011 and 30.04.2012 whereby he has been denied seniority and notional promotion to the post of Clerk from the date of promotion of his junior Sh. Wazir Singh-respondent No.5.

The petitioner was admittedly senior to one Sh. Wazir Singh as Daftari. However, Sh. Wazir Singh was promoted to the post of Clerk being reserved category candidate on accelerated basis on 13.09.1994. The

petitioner being general category candidate was promoted on 18.09.2002. The claim of the petitioner is that he should be permitted to catch up with Sh. Wazir Singh and his pay should be stepped up since on that date Sh. Wazir Singh was also in the substantive cadre of Clerk.

In the reply, no worthwhile ground has been taken to deny the claim but it has only been sought to be asserted that the cause of action was accrued in favour of the petitioner in the year 2002 and this petition was filed in the year 2012 and is therefore barred by delay and laches.

Learned counsel for the petitioner has countered by arguing that the loss of pay is a continuing cause of action but has fairly accepted that representation having been filed on 08.09.2011 the actual relief can be restricted for a period of 38 months prior to that date. With regard to prayer of seniority, learned counsel for the petitioner has stated that the said prayer having been accepted the petition has been rendered infructuous qua that prayer. No other argument has been raised by learned counsel for the petitioner.

In my opinion, there is some weight in the argument of the learned counsel for the petitioner. Resultantly, the petition stands disposed of with a direction to the respondent-State to grant notional step up to the petitioner equal to Sh. Wazir Singh from the date of promotion i.e. 18.09.2002. The actual relief of payment will however be restricted for a period of 38 months prior to 08.09.2011 i.e. the date of filing the representation. It is made clear that necessary relief be granted to the petitioner within a period of 3 months from the date of receipt of a certified

copy of this order, failing which, the petitioner would be entitled to claim the same with interest @ 8% p.a. from the date/s the amount/s fell due till payment/s.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 11, 2015

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**(AJAY TEWARI)
JUDGE**