

Sr.No.256

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-14881-2014(O&M)

Decided on: 12.10.2015

Santosh DeviPetitioner

vs.

State of Haryana and othersRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. Jai Singh Yadav, Advocate for the petitioner.
Mr.Hitesh Pandit, Addl. A.G. Haryana.

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Mahesh Grover, J

The petitioner prays for promotion and consequential benefits that have been made admissible to similarly situated persons who had approached this Court earlier vide CWP Nos. 22231 of 2010 and 22834-2010.

The claim of the petitioner is that she is senior to one Dharam Vir Singh and should have been promoted w.e.f the same date as her juniors were promoted. Certain persons filed Civil Writ Petition No.22231 of 2010 making grievance of the promotion of Dharam Vir Singh and prayed for similar benefits as have been granted to the petitioners of that writ petition. Their writ petitions bearing Nos. 22231 of 2010 and 22834-2010 were disposed of in the following terms:-

“ The present writ petition, therefore, is allowed. Impugned order dated 05.08.2010 (Annexure P-11) is hereby quashed and direction is issued to the respondents to consider the claim of the petitioner for promotion to the post of Assistant with effect from the date his junior Dharam Vir Singh was promoted to the post of Assistant. In case the claim of the petitioner is granted, petitioner shall not be entitled to the benefit of arrears excerpt for 38 months prior to the date of filing of the writ petition. Similar directions would be applicable to the petitioners in CWP No. 22834 of 2010

titled Sukhbir Singh and others v. State of Haryana and others.

Consequent thereupon the respondents granted benefits to the petitioners of those writ petitions and restricted the monetary benefits to 38 months as would be indicated in the order Annexure P10.

It is not in dispute that the petitioner has also been granted the benefit of promotion as has been granted to the petitioners in the aforesaid writ petitions but the monetary consequences as have been made admissible to similarly situated employees has been denied to her for no ostensible reasons.

On due consideration, I am of the view that the petitioner's case is similarly at par with the writ petitioners in CWP-22231-2010 and CWP-22834-2010, who have been granted monetary benefits of 38 months on account of the promotion. Therefore, the petitioner cannot be discriminated and denied the same benefits.

The writ petition is accepted and the respondents are directed to grant monetary consequences on account of the promotion restricted to 38 months prior to promotion i.e 16.04.2015 as has been granted to other similarly situated persons vide order Annexure P10 within a period of three months from the date of receipt of certified copy of the order.

12.10.2015

mamta

(MAHESH GROVER)

JUDGE