

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

Date of decision: 19.05.2016

1. CWP No.100 of 2015 (O&M)

Purushotam Lal Garg

...Petitioner

Versus

State of Haryana and others

...Respondents

2. CWP No.194 of 2015

Jai Kanwar Jain

...Petitioner

versus

State of Haryana and others

...Respondents

3. CWP No.195 of 2015

Madhu Chaudhary

...Petitioner

versus

State of Haryana and others

...Respondents

4. CWP No.231 of 2015

Varinder Kaur

...Petitioner

versus

State of Haryana and others

...Respondents

5. CWP No.233 of 2015

Bimla Kumari

...Petitioner

versus

State of Haryana and others

...Respondents

6.

CWP No.234 of 2015

Ram Niwas Bansal

...Petitioner

versus

State of Haryana and others

...Respondents

7.

CWP No.239 of 2015

Sudershan Kumar Aggarwal

...Petitioner

versus

State of Haryana and others

...Respondents

8.

CWP No.1449 of 2015

Ved Parkash Sharma

...Petitioner

versus

State of Haryana and others

...Respondents

9.

CWP No.1458 of 2015

Gurbax Rai Dewan

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Sandeep Panwar, Advocate,
for the petitioner(s).**

Mr. Ravi Partap Singh, AAG, Haryana.

Ritu Bahri, J.

This judgment will dispose of CWP Nos.100, 194, 195, 231, 233, 234, 239, 1449 and 1458 of 2015 together as common questions of law and facts are involved in all the petitions. For reference, facts are being taken from CWP No.100 of 2015.

The petitioner (in CWP-100-2015) is seeking direction to the respondents to release arrears of pension and retiral benefits from the date of retirement i.e. 31.01.2007 and not from 31.08.2012 i.e. the date of passing of notional promotion order on the post of Sub-Divisional Engineer.

The petitioner joined as Junior Engineer with the respondent-department on 26.03.1969. He was promoted on adhoc basis as Sub Divisional Engineer on 28.11.1981. He was promoted on regular post of SDE w.e.f. 01.01.1984 vide order dated 02.12.1992. Ultimately, he retired as Sub Divisional Engineer from the respondent-department on 31.01.2007. He is seeking the benefit of revision of pension as per the Division Bench judgments passed by this Court in **J.R. Singla and another Vs. The State of Haryana and another**, CWP No.2826 of 1990 & **Gian Singh Vs. The State of Haryana and another**, CWP No.10931 of 1990, decided on 18.01.2011 (Annexure P-1). The question before the Division Bench was with regard to promotion of Junior Engineer to the post of Sub Divisional Engineer. It was held that under the Rules, promotions to the post of Sub Divisional Engineers were required to be made on the basis of a selection, which is to be conducted every year. But no selection was held in the years 1977, 1978 and 1979. A composite selection was held in the year 1980 for all the vacancies available in the three preceding years and a common select list in

in the years 1977, 1978 and 1979, but they were promoted in the year 1980. The writ petition was disposed of by giving direction to the State to find out the year-wise vacancies in each of the years for which selection was not held i.e. 1977, 1978 and 1979 and thereafter, to consider the case of the petitioner for promotion to the post of Sub Divisional Engineer against the vacancies in the year in which he was eligible, provided he would have come within the zone of consideration.

Upon notice, written statement on behalf of respondent Nos. 1 to 4 has been filed. Along with the same, the respondents have placed on record copies of orders dated 13.02.2015 passed by this Court in **Narender Kumar Jain Vs. State of Haryana and others**, CWP No.18439 of 2014 (Annexure R-VI) and **Girraj Prasad Bansal Vs. State of Haryana and others**, CWP No.17443 of 2014 (Annexure R-VII), whereby similarly situated employees have been given the benefit of judgment passed in **Gian Singh's** case (supra) (Annexure P-1) and arrears of pension on 38 month prior to the date of filing of the representation has been allowed in favour of the petitioners.

Thereafter, by relying upon the judgment passed in **J.R. Singla's** case (supra), this Court has allowed CWP No.18439 of 2014 (**Narender Kumar Jain Vs. State of Haryana and others**) vide order dated 21.04.2014 with a direction to the respondents to make payment of arrears of pension and gratuity from the date of retirement of the petitioner.

The case of the petitioner(s) is squarely covered by the above said judgments.

Resultantly, all the petitions i.e. CWP Nos.100, 194, 195, 231, 233, 234, 239, 1449 and 1458 of 2015 are allowed and a direction is given to the respondents to consider the claims of the petitioner(s) as per

judgments CWP No.2826 of 1990 & CWP No.10931 of 1990 (Annexure P-1) and in case an order is passed in their favour, then payment of arrears of pension and gratuity be made from the date of their retirements.

19.05.2016
ajp

(RITU BAHRI)
JUDGE