

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

***CWP No.13498 of 2016 (O&M)***

***Date of decision : 13.07.2016***

*Om Parkash*

*....Petitioner*

Vs.

*State of Haryana & others*

*....Respondents*

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.**

Present: Mr. Naveen Daryal , Advocate for the petitioner.

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**TEJINDER SINGH DHINDSA, J.**

Petitioner who was serving as an Inspector under the Haryana State Transport Department retired on 31.01.2006 upon attaining the age of superannuation.

Claim set up in the instant petition is for pay fixation at par with his junior, namely, Hukam Singh.

Counsel submits that Hukam Singh, junior was promoted as an Inspector on 28.02.2002 having stolen a march over and above the petitioner on account of having been granted benefit of reservation. Petitioner was promoted subsequently and as per turn on 24.07.2003. Reliance has been placed upon instructions dated 18.06.2009 issued by the Government of Haryana in terms of which in a situation where a junior is promoted prior in point of time by granting benefit of reservation then the senior is also entitled to benefit of step up of pay.

In view of the facts and circumstances noticed hereinabove and without making any observations on merits, I deem it appropriate to dispose of the present petition with a direction to respondent No.2 to consider the claim of the petitioner strictly in accordance with law and in the light of the

relevant instructions issued by the State Government and to take a final decision on the legal notice dated 06.07.2016 at Annexure P-6 by passing a speaking order within a period of three months from the date of receipt of certified copy of this order.

It is, however, clarified that in the eventuality of the competent authority finding claim of the petitioner to be admissible, petitioner shall be granted benefit of notional pay fixation as also revised pensionary benefits based upon such fixation of pay. The arrears of revised pensionary benefits however shall be confined for a period of 38 months prior to the date of filing of the present petition.

Disposed of.

**13.07.2016**

*harjeet*

**(TEJINDER SINGH DHINDSA)  
JUDGE**