

Sr. No. 213

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.21896 of 2013 (O&M)

Date of Decision: 16.08.2016

Prem Chand Singla

... Petitioner

Versus

The State of Haryana and others

... Respondents

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

Present:- Mr. Arvind Bansal, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner was initially appointed as a Clerk under the Haryana State Education Department in the year, 1971. Subsequently, he was promoted as Assistant on 15.12.1999. Petitioner sought voluntary retirement after having rendered almost 34 years of service and, accordingly, stood retired with effect from 31.01.2006.

Pleadings on record would indicate that Sh. Rattan Lal who was otherwise junior to the petitioner in the cadre of Clerks was promoted to the post of Assistant on 25.01.1989 i.e. prior in point of time to the order of promotion of the petitioner by granting him benefit of reservation.

The instant petition was instituted in the year, 2013 assailing the order dated 09.01.2013 (Annexure P-11) vide which his claim was step up and pay parity with his junior with effect from 15.12.1999 as also other consequential financial benefits had been rejected.

Notice of motion having been issued, a reply of the Additional Director Administration, Office of the Director Secondary Education, Haryana has been filed.

Appended along with the reply is copy of order dated 26.04.2015 (Annexure R-1) and in terms of which the matter has been reconsidered and a deemed date of promotion has been granted to the petitioner at par with his counter part junior employee, namely, Shri Rattan Lal. Such order further recites that the pay of the senior employee belonging to the general category i.e. petitioner is stepped up at par with the pay of the junior employee of the reserved category and the payment of arrears has been made admissible from the actual date of promotion i.e. 15.12.1999 and notionally on the post of Assistant with effect from 25.01.1989 to 14.12.1999. Accordingly, as per Annexure R-1, the decision has been taken for the pay of the petitioner to be refixed and arrears of pay to be disbursed immediately thereafter.

Clearly in the light of the subsequent order dated 26.04.2015 appended as Annexure R-1 along with their reply, the impugned order in the writ petition dated 09.01.2013 at Annexure P-11 shall not survive.

Learned State counsel during the course of hearing has also furnished an affidavit dated 10.02.2016 of the petitioner and wherein it has been deposed that he has received all the service benefits including gratuity, leave encashment, revised pension, step up benefit, GIS, GPF, ACP and all other pensionary benefits. A copy of such affidavit dated 10.02.2016 and the contents of which have not been disputed by counsel appearing for the petitioner is taken on record as Mark 'A'.

In the light of facts noticed hereinabvoe and in view of the

order dated 26.04.2015 at Annexure R-1, the present writ petition is disposed of having been rendered infructuous.

Disposed of.

16.08.2016
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No