

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

**CWP No.23079 of 2016 (O&M)
Date of decision : November 08, 2016**

Qimti Lal Jain (Retd.)

..... Petitioner

Versus

The Haryana Vidyut Prasaran Nigam Ltd.

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.L. Sharma, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner joined as Line Superintendent on 09.09.1968. It is stated that one Ram Kishan, belonging to scheduled castes was also appointed as Line Superintendent on 15.01.1969 and was junior to the petitioner. However, on account of reservation policy, Ram Kishan was promoted as JE Grade-I on 01.07.1975. Later on, the petitioner was also promoted as JE Grade-I on 21.01.1994. Petitioner claims that on 23.11.2009 a Notification (Annexure P-1) was issued by the State Government, vide which it was decided to step up the pay of the senior general category employee at par with the junior counterparts of reserved category employees, on the decision of Hon'ble the Supreme Court taken in judgments of R.K. Sabharwal, Ajit Singh Janjua-I and Ajit Singh Janjua-II.

The grouse of the petitioner is that though his pay has been stepped up from the date of his promotion but the notional promotion was given on the date when his junior was promoted. Petitioner now wants that he should also be allowed salary from the date when his junior Ram Kishan,

scheduled castes candidate was promoted on 01.07.1975.

After hearing learned counsel for the petitioner, I am of the view that on account of reservation policy, the petitioner was not eligible for promotion and was promoted only on 21.01.1994. On account of the instructions of the Government issued much later on 23.11.2009, pay of the senior general category candidate, who was promoted later on was to be stepped up equal to his reserve category junior candidate, who was promoted earlier.

I am of the view that notional date of promotion is given. Since, the petitioner did not work on promoted post from 01.07.1975 to till the date of his actual promotion i.e. 21.01.1994. Therefore, the petitioner is not entitled to the salary for the said period.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

November 08, 2016

sarita

Whether speaking / reasoned Yes

Whether Reportable: No