

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2409 of 2011

Date of Decision:-25.04.2017.

Shyam Lal Goyal

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. S.S. Dalal, Advocate for the petitioner.

Mr. Keshav Gupta, AAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

Short question for consideration in the present writ petition is whether the petitioner is entitled for arrears of pay in the cadre of Assistant Registrar on par with the junior who has been promoted on 21.7.1983 whereas the petitioner has been promoted to the post of Assistant Registrar w.e.f. 21.7.1983 on 5.4.2004. The petitioner's grievance is to issue writ of *mandamus* for payment of arrears from 21.7.1983 to 30.11.2002 in the post of Assistant Registrar.

Learned counsel for the petitioner submitted that on 5.4.2004, large number of juniors were promoted along with petitioner to the post of Assistant Registrar Cooperative Societies/Statistical Officer (Annexure P-1) from presumptive date of promotion as on 21.7.1983 etc. The petitioner's junior was extended monetary benefit with reference to the date of

promotion to the post of Assistant Registrar Cooperative Societies w.e.f. 21.7.1983 on 5.4.2004 whereas the petitioner has not been extended similar benefit. The petitioner had cause of action on 5.4.2004 as and when difference of pay from the presumptive dates was denied to him. Whereas the juniors have been extended the benefit illegally as submitted by the learned counsel for the respondents in that event, the petitioner is not entitled for the same. The petitioner has approached this Court only in the year 2011. Even today, the petitioner has not questioned the clause imposed in the order of promotion dated 5.4.2004 to the extent not entitled for arrears of difference of pay from the presumptive dates shown against name of the petitioner and others. In the absence of challenge to the condition imposed in the order of promotion dated 5.4.2004 and the fact that the petitioner has approached this Court in the year 2011 both on the ground of delay as well as merit the petitioner has not made out a case so as to seek direction to the official respondents to extend the monetary benefit from 21.7.1983 on 5.4.2004. As long as condition in the order of promotion is in tact.

Accordingly, petition stands rejected.

(P.B. BAJANTHRI)
JUDGE

April 25, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.