

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15614 of 2015

Date of Decision:-28.03.2017.

Shiv Charan

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

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Present: Mr. Rajesh Bansal, Advocate for the petitioner.

Mr. Sushil Gautam, DAG, Haryana.

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**P.B. BAJANTHRI, J. (Oral)**

1.) In the instant writ petition, petitioner has questioned the validity of the notional promotion to the post of Head Master w.e.f. 28.8.2009 vide order dated 29.5.2014 (Annexure P-8). The petitioner while working in the Master cadre, he was entitled for promotion to the post of Head Master, HES-II. The same was not granted, consequently, he has approached this Court in CWP No.10119 of 2012. The same was disposed on 24.5.2012 with reference to the earlier decision passed in CWP No.14905 of 2009 **(Surinder Kumar and others Vs. State of Haryana and others)** decided on 27.3.2012. Pursuant to the order dated 24.5.2012 passed in CWP No.10119 of 2012 in the petitioner case, the petitioner was promoted to the post of Headmaster and posted at Govt. High School, Gujrawas in the pay scale of ₹ 9300-34800 with Grade Pay of ₹ 5400/- on provisional basis w.e.f. 28.8.2009.

2.) Learned counsel for the petitioner submitted that petitioner is entitled for monetary benefits from the date he was promoted to the post of Head Master, namely, 28.8.2009 and denial of monetary benefits despite promoting him from 28.8.2009 it is arbitrary and illegal. It was further pointed out that large number of juniors to the petitioners who were also working in Master cadre, they have been promoted earlier to the petitioner i.e. on 28.8.2009. Therefore, denial of monetary benefits would be arbitrary and illegal. Hence, the impugned decision of the respondent in not extending the benefit of monetary benefit during the period from 28.8.2009 to 16.4.2013 is incorrect.

3.) Per contra learned counsel for the respondents submitted that the respondents have implemented the order passed in CWP No.10119 of 2012 dated 24.5.2012 while promoting the petitioner to the post of Head Master w.e.f. 28.8.2009. The petitioner is not entitled for monetary benefits during the intervening period i.e. from 28.8.2009 to 16.4.2013 for the reasons that he has not discharged the duties attached to the post of Headmaster. Therefore, there is no infirmity in the order dated 29.5.2014 to the extent of denial of monetary benefits to the petitioner.

4.) Heard learned counsel for the parties.

5.) Short question for consideration whether the petitioner is entitled for monetary benefits in the cadre of Headmaster during the period from 28.8.2009 to 16.4.2013 on the sole ground that the petitioner has not discharged the duties of the post of Head Master or not. It is undisputed that the petitioners' juniors were promoted to the post of Head Master on 28.8.2009 ignoring the petitioner's claim despite he being senior. The respondents compelled the petitioner to approach this Court and obtain an

order. Pursuant to the order of this Court, the respondents have proceeded to promote the petitioner to the post of Head Master w.e.f. 28.8.2009. Thus, the respondents have prevented the petitioner in discharging the duties of the post of Headmaster. Had the respondents promoted the petitioner as and when juniors to the petitioners were promoted to the post of Head Master on 28.8.2009, the present situation would not have arisen. Therefore, Annexure P-8 dated 29.5.2014 is set aside. The petitioner is entitled for monetary benefits during the intervening period from 28.8.2009 to 16.4.2013. The same shall be calculated and disbursed to the petitioner by the competent authority within a period of 4 months from today.

6.) Petition stands allowed.

**(P.B. BAJANTHRI)**  
**JUDGE**

**March 28, 2017.**  
*sandeep sethi*

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.