

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

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**CWP-15918-2015 (O&M)
Date of decision:05.05.2017**

Mohinder Singh Bhardwaj

....Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr.Chandan Singh, Advcoate for
Mr. Amit Jhanji, Advocate for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana

P.B. Bajanthri, J. (Oral)

Pursuant to the order dated 19.04.2017 learned State counsel placed on record an affidavit of one Sh. Anand Mohan Sharan, Principal Secretary to Government Haryana, Urban Local Bodies Department-cum-Fire Service, Haryana Panchkula. He has placed on record Annexure R1 to R2/4. In the affidavit it is stated that the Commissioner has asked the petitioner to discharge the post of Assistant Divisional Fire Officer during some period who is not competent authority to make such arrangement. Therefore, the petitioner is not entitled for any monetary benefit during the period from December, 2011 till 31.03.2017 the date on which the petitioner attained age of superannuation and retired from service while holding the post of Assistant Divisional Fire Officer. Rightly or wrongly, the petitioner has discharged the duties of the post of Assistant Divisional Fire Officer during the period from December, 2011 to 31.03.2017. Even if it is irregular

having regard to the fact that petitioner has discharged the duties of the post he is entitled for monetary benefit during the said period. Therefore, the petitioner is entitled for promotion on notional basis on the score that petitioner has not worked on promotional post may not be correct. Since the petitioner has worked against the promotional post of Assistant Divisional Fire Officer from December, 2011 to 31.03.2017. Thereafter he is entitled for pay attached to the post i.e. monetary benefits. The competent authority is hereby directed to calculate the difference of pay and disburse the same within a period of 3 months from today.

Accordingly, CWP stands disposed of.

(P.B. BAJANTHRI)
JUDGE

05.05.2017

pooja saini

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No