

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

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**CWP No. 14251 of 2017 (O&M)
Date of decision:09.11.2017**

Narender Kumar

....Petitioner

Versus

Union of India and others

.... Respondents

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

Present: Ms. Subreet Kaur, Advocate for the petitioner.

Ms. Anita Balyan, Advocate
for the applicant/respondents No. 1,2 &3.

Mr. Sunil Kumar Sharma, Sr. Panel Advocate
for respondent No.4-UOI

P.B. BAJANTHRI, J. (ORAL)

CM-16146-CWP-2017

This is an application for placing on record the short reply by way of affidavit and Annexure R-1. Heard. Allowed as prayed for subject to all just exceptions.

Short reply by way of affidavit along with Annexure R-1 is taken on record.

Main case.

In the present writ petition, petitioner's grievance is as follows:-

“A. Issue a writ of mandamus or any other appropriate writ, order, or direction directing the respondents to grant incidental and consequential benefits to the petitioner including:

- i. Seniority with effect from 15.01.2012 i.e. when candidates junior to the petitioner were permitted to join as Constables (General Duty) in ITBP,

- ii. Pay grade at par with the said appointees,
- iii. Arrears of pay from 15.01.2012 till the petitioner's joining in January 2015, and/or

During pendency of this petition, the respondents have passed order on 04.08.2017 with reference to order dated 23.10.2015 passed in CWP No. 14283 of 2012 while extending the benefit of seniority and other service benefits from 15.1.2012 the date on which other selected candidates were appointed like Prakash Pandey and Surya Kant. Petitioner's name has been inserted at 25952-A i.e. between Prakash Pandey and Surya Kant. In view of the above order and the fact that petitioner was not appointed timely along with the aforesaid persons due to administrative error committed by the respondents and for no fault of the petitioner. Therefore petitioner is entitled for the relief relating to arrears of pay from 15.1.2012 to January, 2015. Further he is entitled for pay grade at par with the aforesaid persons. Hence, the concerned respondent is hereby directed to calculate and disburse arrears of salary for the period from 15.1.2012 to January, 2015 and to assign pay grade at par with the aforesaid persons within a period of 3 months from today.

With the above observation, petition stands disposed of.

(P.B.BAJANTHRI)
JUDGE

09.11.2017

pooja saini

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No