

**RA-CW-146 OF 2014 IN
CIVIL WRIT PETITION NO.15794 OF 2013**

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

**RA-CW-146 OF 2014 IN
CIVIL WRIT PETITION NO.15794 OF 2013
DATE OF DECISION: MARCH 24, 2017**

Ram Kishan Mittal and others

.....Petitioners

VERSUS

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Sandeep Panwar, Advocate,
for the applicant-petitioners.

Mr. Ashish Yadav, Addl.A.G., Haryana,
for the non-applicant/respondents.

AUGUSTINE GEORGE MASI, J. (ORAL)

Prayer in this review application is for grant of arrears of pay for the period the applicant-petitioners have worked on the posts of Sub Divisional Engineers, which details have been provided in Para 20(i) of the writ petition, which fact is not denied by the respondents in their written statement.

It is the contention of learned counsel for the applicant-petitioners that although the writ petition of the petitioners is allowed qua the retiral benefits, for which they have no grievance. However, specific pleadings were made to the effect that the petitioners had worked on the posts of Sub Divisional Engineers and for the same, they were entitled to the

arrears of pay. So far as the period they have not actually worked on the said posts, notional fixation of pay was done in pursuance of the benefit granted to them as per the order passed by this Court in Civil Writ Petition No.10931 of 1990 (Gian Singh Vs. The State of Haryana and another), decided on 18.01.2011. He points out that the petitioners had made specific prayer in this regard in the writ petition. Counsel contends that the petitioners had worked as Sub Divisional Engineers with effect from 01.01.1992 till the date of their retirement, which fact is not disputed by the respondents in their written statement. He, thus, prays that the petitioners are entitled to the benefit of salary for the said period and not the notional benefit of the same.

Counsel for the respondents submits that the petitioners although have worked for the said period but in pursuance of the directions issued by this Court in Gian Singh's case (supra), they can only be granted the notional fixation of pay, which benefit has been released to them.

I have considered the submissions made by counsel for the parties but do not find any merit in the contention of the counsel for the respondent-State.

It is a matter of fact, which is not disputed, that the petitioners have worked on the posts of Sub Divisional Engineers from 01.01.1992 till the date of their retirement. It that be so, they are entitled to the benefit of pay for the said period. The notional benefit would only be granted to the petitioners for the period for which they have not actually performed their duties as Sub Divisional Engineers in pursuance of the directions issued by this Court in Gian Singh's case (supra).

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In view of the above, the present review application is allowed.

The applicant-petitioners are held entitled to the benefits of arrears of salary for the period from 01.01.1992 till the date of their retirement on the posts of Sub Divisional Engineers. The consequential benefits be released to them within a period of three months from the date of receipt of certified copy of this order.

**March 24, 2017
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**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No