

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

CWP 13934/2014

Date of decision:01.08.2018

Surinder Kumar and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.RS Rangpuri,Advocate for the petitioners
Mrs.Anu Chatrath Kapur,Addl.AG Punjab for respondents

Jaswant Singh,J,(Oral).

Surinder Kumar-petitioner no.1, Ram Chand-petitioner no.3 and Surinder Kumar Nagpal-petitioner no.4 were serving as Ledger Keepers whereas Santokh Singh was serving as Meter Clerk with the Punjab Water Supply and Sanitation Department.

They filed CWP 3851/2013 claiming promotion to the post of Assistants w.e.f. the date their juniors had been promoted in the year 2008. It was claimed that the petitioners had been placed above the said juniors in the combined seniority list of Clerks, Senior Clerks, Ledger Keepers and Meter Clerks.

The said writ petition was disposed of vide order dated 3.9.2013 with a direction to respondents to pass a speaking order on their claims.

Consequently, a speaking order dated 14.3.2014 (P-8) was passed rejecting the claim of the petitioners for retrospective promotion to

the rank of Assistants.

It is this order P-8 which has been challenged in the instant writ petition.

Upon notice, a reply stood filed contesting the claim of the petitioners. However, on 24.4.2018, the following order was passed:-

“Upon hearing counsel for the parties, it is apparent that the impugned order dated 14.3.2014(P-8) passed by the Chief Engineer (North) Punjab was recalled by the Government upon reconsideration of the matter, during the pendency of the writ petition whereby the petitioner nos.1 and 3 only were held entitled to and granted promotion to the next higher rank of Assistant w.e.f. the date their juniors were promoted. The monetary benefit was restricted to only the revised pensionary benefits as the said petitioners stood retired during the year 2010 on attaining the age of superannuation. There is no dispute as regards the disentitlement of petitioner no.2 and 4 for the claimed relief.

The petitioners are now only agitating the benefit of payment of revised pension upon their notional promotion to the rank of Assistant w.e.f. date of passing of impugned order P-8 i.e. dated 14.3.2014 instead of 01.12.2017. It is urged that as per the decision of the government itself the benefit of revised pension was admissible which has been extended to the petitioners in the upgraded scale of the rank of Assistant, therefore, the petitioners would be entitled to the difference of pension already drawn in the rank of Clerk and the revised pension in the rank of Assistant w.e.f. the date the impugned order was passed since the government by taking the decision had recalled that order and therefore, it would operate from grant of revised pension in the rank of Assistant w.e.f. 01.04.2014. It is conveyed that the difference would roughly be of Rs.3000/- per month for the intervening months. The petitioner is ready and willing to forego the interest of such amount. The prayer being reasonable and also sustainable, counsel for the respondents is directed to seek instructions in that regards.

List on 10.5.2018.

To be shown in the urgent.”

In compliance of the aforesaid order dated 24.4.2018, an affidavit dated 9.5.2018 by Sh.Rajesh Kumar Gupta, Executive Engineer, Water Supply and Sanitation Division No.2, Sri Muktsar Sahib has been filed wherein it is categorically stated that Surinder Kumar-petitioner no.1 superannuated on 30.11.2010 at the age of 58 years and his pension has already been revised and arrears paid. In respect of Ram Chand, Meter Clerk, he superannuated on 31.10.2014 at the age of 60 years and his pension has also been revised. The details of the sanctioned claim in respect of Surinder Kumar and Ram Chand after giving notional promotion have also been furnished. Thus, it is clear that there was no dispute regarding dis-entitlement of promotion of petitioner no.2 and 4 for the claimed relief whereas qua the claim of petitioners 1 and 3, relief claimed has been granted.

However, counsel for the petitioners has made a grievance regarding non-payment of difference of salary from April 2014 to October 2014 in respect of Ram Chand-petitioner no.3.

The petitioner is directed to make a claim qua this short period to the department, which shall consider the same and if admissible, shall release it at the earliest.

Disposed of accordingly.

01.08.2018
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No