

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 01.08.2018****CWP No.24955 of 2014**

Sunil Kumar

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sandeep Singal, Advocate, for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

The instructions dated 16.03.2006 on which the petitioner stands claiming relief of payment of arrears of pay from the date when reserved category candidate, namely, Pardeep Kumar, junior to him at Level-1, was promoted on reserved roster point meant for the Scheduled Caste category as Reader on 08.06.2007 and Assistant on 24.10.2008 by way of accelerated promotions. The petitioner is a General category candidate. He was promoted as per turn as an Assistant on 04.05.2011.

The instructions dated 16.03.2016 have been quashed by this Court in CWP No.17280 of 2011 titled 'Prem Kumar Verma & others Vs. State of Haryana & others' decided on 07.08.2012, thereby removing the base of Pardeep Kumar's accelerated promotions. Therefore, the petitioner is not legally entitled to stepping up of his pay on par with Pardeep Kumar from 2008 though promoted earlier.

With the failure of the instructions dated 16.03.2016, the Haryana Government tried to salvage the rule of reservation in promotions

by issuing another instruction dated 28.02.2013 for reservation in jobs. Again, the said instructions were challenged by general category employees before this Court in CWP No.25512 of 2012 titled 'Rajbir Singh Vs. State of Haryana & others' with success and the same were set aside vide order dated 14.11.2014. Accordingly, the petitioner's seniority would be restored on the principle of catching up, but he has no legitimate claim to payment of arrears of salary by stepping up his pay retrospectively from the date reserved category candidate, namely, Pardeep Kumar was promoted as Assistant on 24.10.2008. The right claimed by the petitioner is a negative one which law will not countenance and it thus deserves to be disallowed, both by reason of 'no work no pay' and unjust enrichment.

For the reasons stated above, the petition is found devoid of merit and is ordered to stand dismissed.

01.08.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>