

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

LPA No. 1320 of 2017 (O&M)
In CWP No. 13194 of 1995

Date of decision: 5.4.2018

State of Haryana

.. Appellant

VS

M. K. Aggarwal

.. Respondent

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice B. S. Walia**

Present: Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

Order passed by the learned Single Judge has been impugned by filing the present intra-court appeal.

The only grievance sought to be raised is regarding grant of certain benefits to the respondent. The learned Single Judge has directed that the respondent, who had already retired from service, be notionally promoted and to re-fix his pay and pension. He was held entitled only to receive the difference in pension.

The writ petition was filed by the respondent in the year 1995. The issue regarding claim of the respondent whether he is entitled for retrospective promotion to the cadre of Superintending Engineer, Chief Engineer and Engineer-in-Chief from back date has been dealt with by the

learned Single Judge in the judgment, which is as under:-

“Insofar as second claim whether the petitioner is entitled for retrospective promotion to the cadre of Superintending Engineer, Chief Engineer and Engineer-in-Chief w.e.f. 30.5.1972, 21.9.1983 and 1.9.1986 respectively on par with Shri R.A. Goel is concerned, having regard to the decision taken by the Government on 6.4.1995, the petitioner is entitled for alteration of date of entry into the cadre of Superintending Engineer, Chief Engineer and Engineer-in-Chief on par with Shri R.A. Goel. However, the petitioner is not entitled for arrears of salary. He is only entitled for notional benefits in the cadre of Superintending Engineer, Chief Engineer and Engineer-in-Chief for the reasons that the petitioner has not questioned the validity of promotions granted to Shri R.A. Goel to the posts of Superintending Engineer, Chief Engineer and Engineer-in-Chief. He has failed to challenge the ranking assigned at the relevant point of time as and when Shri R.A. Goel was promoted to the post of Superintending Engineer, Chief Engineer and Engineer-in-Chief. Therefore, the petitioner is not entitled for monetary benefits.”

The respondent was given retrospective promotions and consequential benefits as Superintending Engineer, Chief Engineer and Engineer-in-Chief at par with R. A. Goel, who was junior to the respondent. There is no error in the order passed by the learned Single Judge.

The learned Single Judge has directed that only difference in pension has to be paid to the respondent and not the salary, as a consequence of his promotion from back date. There is no error in the order passed by the learned Single Judge. The appeal is accordingly dismissed.

Consequently, the application for condonation of delay in filing the appeal,

is also dismissed.

(Rajesh Bindal)
Judge

5.4.2018
vs

(B. S. Walia)
Judge

Whether speaking/ reasoned

Whether Reportable

Yes/No

Yes/No