

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

**CWP No. 27320 of 2016.**

Date of Decision: 08.01.2019.

Malhara Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM : Hon'ble Mr. Justice Jitendra Chauhan**

Present : Mr. N.C. Kinra Advocate,  
for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

**JITENDRA CHAUHAN.J.**

The petitioner seeks quashing of order dated 10.03.2015 (Annexure P-3) passed by respondent No.1 to the extent it restricts the payment of arrears. The petitioner also seeks quashing of order dated 21.10.2015 (Annexure P-7) vide which the claim of arrears of pay on account of promotion was rejected.

It is contended that the petitioner joined the services of the Punjab Government as Clerk on 12.09.1968. Thereafter, he was promoted as Labour Inspector Grade-II in September, 1982 and subsequently as Labour Inspector Grade-I on 28.08.1991. The petitioner stands retired on attaining the age of superannuation.

In March, 1998 while the petitioner was posted as Labour Inspector at Ludhiana, FIR No.14 dated 06.03.1998 under Sections 7 and 13 of the Prevention of Corruption Act, 1988 was registered

against the petitioner at Vigilance Bureau, Patiala. The petitioner was convicted and sentenced vide judgment dated 14.02.2003. The petitioner preferred an appeal. Vide judgment dated 28.01.2013 passed in CRA S-429-SB-2013 (Annexure P-1), the appeal was accepted and the petitioner was acquitted.

In the interregnum period, vide order dated 14.10.2004, the petitioner was dismissed from service. Vide judgment dated 09.10.2006, passed in CWP No. 16828 of 2004, the dismissal order dated 14.10.2004 was set aside. The matter had attained finality upto Hon'ble the Supreme Court. Thereafter, the petitioner filed CWP No. 8671 of 2012 for release of his entire service benefits. On making statement by the learned State counsel that the entire consequential benefits would be released, the writ petition was dismissed as having been rendered infructuous vide order dated 02.12.2013 (Annexure P-2).

Vide order dated 10.03.2015, the petitioner was promoted from Labour Inspector Grade-I to Labour-cum-Conciliation Officer with effect from 25.02.2009, the date from which juniors to the petitioner had been promoted.

It is asserted that once the petitioner has been promoted with effect from 25.02.2009, he is entitled to salary for that period also. However, the department has not released the difference of salary. It is further asserted that the petitioner is also entitled to interest on the entire delayed payment with effect from 2009.

On the other hand, on behalf of the State, it is contended that as a matter of fact, the petitioner was allowed to retire vide order dated 17.09.2013 with effect from 30.06.2009. Thereafter, after acquittal of the petitioner, he was promoted as Labour-cum-Conciliation Officer vide order dated 10.03.2015 on notional basis with effect from 25.02.2009. As the petitioner did not work as Labour-cum-Conciliation Officer for the period from 25.02.2009 to 30.06.2009, he was not paid difference of salary on account of promotion for the said period. However, he was allowed pensionary benefits on account of promotion. All the service benefits like pension, gratuity, leave encashment have also been given except the difference of salary for the period from 25.02.2009 to 30.06.2009.

Heard.

It is to be noticed that the petitioner was involved in FIR No.14 dated 06.03.1998 under Sections 7 and 13 of the Prevention of Corruption Act, 1988 registered at Vigilance Bureau, Patiala however, later on, he was acquitted from the criminal case. Vide order dated 10.03.2015, though, the petitioner was promoted notionally with effect from 25.02.2009 as Labour cum Conciliation Officer but the arrears of salary of that period were withheld. This Court is of the opinion that once the petitioner was allowed promotion, he needs to be given all the consequential benefits accruing therefrom. However, the petitioner is not entitled to interest on the entire delayed payment with effect from 2009 since his conviction was in force at the relevant time

and delay cannot be attributed to the respondents.

In view of above, the present civil writ petition is allowed partly. The respondents are directed to release the arrears of difference of pay from 25.02.2009 to 30.06.2009 along with interest @ 6.5 per annum from the year 2013 as the petitioner stood acquitted on 28.01.2013, till realization of amount. The necessary exercise be done within a period of two months from the date of receipt of certified copy of the judgment.

08.01.2019.  
SN

**(JITENDRA CHAUHAN)**  
**JUDGE**

**Whether speaking/reasoned :      Yes/No**  
**Whether reportable :                Yes/No**