

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

CWP No.97 of 2016

Date of Decision: 27.05.2019.

Surinder Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present :- Mr. Surender Lamba, Advocate for the petitioner.

Mr. Harish Rathee, Sr.DAG, Haryana.

...

B.S. Walia, J (Oral)

1. Prayer in the Writ Petition is for the issuance of a Writ in the nature of Certiorari for quashing order Annexure P/8 dated 05.12.2014 to the extent the petitioner was denied monetary benefits despite having been promoted as officiating Sub Assistant Superintendent Jail w.e.f. 19.02.2004 on the basis of principle of '*no work no pay*' as also for quashing order Annexure P/9 dated 15.05.2015, whereby the petitioner was denied promotion from the post of Sub Assistant Superintendent Jail to the post of Assistant Superintendent Jail, on the ground that he is facing departmental proceedings.

2. The aforementioned relief was sought for in the background that no proceedings as alleged were pending against the petitioner besides similarly situated persons namely Mohan Singh, Kartar Singh, Sukhwant Singh and Ram Kumar etc. who were facing departmental proceedings had already been promoted vide order dated 15.05.2015.

3. Learned counsel for the petitioner has placed on record copy of order dated 06.05.2019, passed by the Director General of Prisons, Haryana Panchkula, as per which, show cause notice issued to the petitioner on 06.10.2010, on his conviction on 07.09.2010, has been dropped in view of his acquittal by the learned Addl. Sessions Judge, Bhiwani on 12.03.2015. Besides suspension period was ordered to be treated as duty period for all intents and purposes.

4. Admittedly the petitioner did not work on the post of Assistant Superintendent Jail and was promoted as officiating Assistant Superintendent Jail w.e.f. 19.02.2004, therefore was held not entitled to monetary benefits on the principle of '*no work no pay*'. Learned counsel for the petitioner states that he does not press the relief for grant of monetary benefits for the period the petitioner worked as officiating Assistant Superintendent Jail but the petitioner is entitled for consideration of his claim for promotion from the post of Sub Assistant Superintendent Jail to the post of Assistant Superintendent Jail w.e.f. the date other similarly situated persons namely Mohan Singh, Kartar Singh, Sukhwant Singh and Ram Kumar etc. have been promoted.

5. Order dated 06.05.2019 dropping the show cause notice dated 06.10.2010, issued to the petitioner is taken on record and copy thereof handed over to the learned Sr. Deputy Advocate General, who states that in the circumstances the writ petition can be disposed of by directing consideration of the claim of the petitioner for promotion from the post of Sub Assistant Superintendent Jail to the post of Assistant Superintendent Jail, as per rules.

6. The same satisfies learned counsel for the petitioner.

7. In the light of the position as noted above, the writ petition is disposed of by directing the respondents to consider and decide the claim of the petitioner for promotion from the post of Sub Assistant Superintendent Jail to the post of Assistant Superintendent Jail, as per rules, within a period of three months from the date of receipt of certified copy of the order and to pass appropriate orders in respect thereto as warranted in the facts of the case.
8. Writ petition disposed of in the aforementioned terms.

May 27, 2019

rajesh.k.khurana

(B.S.Walia)
Judge

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No