

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

CWP No.15992 of 2017
Date of Decision: 27.1.2020

Veer Singh

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Shalender Mohan, Advocate, for the petitioner.

Ms. Nidhi Garg, Assistant Advocate General, Haryana.

NIRMALJIT KAUR, J. (ORAL)

Prayer in the present writ petition is for promoting the petitioner from the date of his juniors by granting actual benefits instead of notional benefits as well as full salary for the suspension period.

The grievance of the petitioner is two-folds. Firstly, the period of his suspension from 28.12.2012 to 17.7.2013 was treated as duty period for all purposes including the remaining salary of this period, but nothing has been granted till date. Secondly, although the petitioner has been promoted from the date of his juniors but while allowing the benefits, only notional benefits towards pay fixation has been granted.

Reply has been filed. The facts as stated by the petitioner in the writ petition are not denied.

With respect to the first grievance, it is evident from the order dated 5.12.2014 (Annexure P-4) that the charge-sheet against the petitioner was filed resulting in the suspension period being treated as duty period for

all purposes including the salary. Therefore, no reason for denying the same is forthcoming. The petitioner is accordingly entitled for the remaining salary for this period.

With respect to the second grievance of the petitioner, it is evident that the petitioner was holding current duty charge from 1.9.2008 on the post of Block Development & Panchayat Officer and he continued to work as such till his retirement. No salary for this period was given. Therefore, the petitioner was forced to file CWP-14250-2016 titled as Roshan Lal and others vs. State of Haryana and others before this Court. The said writ petition was allowed in terms of the judgment dated 21.7.2016 rendered in CWP-4445-2015 titled as Sita Ram vs. State of Haryana. Admittedly, even the LPA against the said judgment has been dismissed. Meaning thereby that the petitioner was held entitled to the salary for the period he worked on the post of Block Development & Panchayat Officer. It is further admitted that the petitioner was also allowed the notional benefits vide order dated 22.2.2017 from the date his junior Kartar Singh was promoted.

In these circumstance, the petitioner was entitled to actual benefit and not just notional benefits especially when he has not only been working on the post but was promoted on the same post from the date his juniors were promoted and also retired on the said post. Hence, denying the said benefit is not only arbitrary, unfair but unjust.

Accordingly, the present writ petition is allowed. The respondents are directed to pay the remaining salary for the suspension period as well as the actual benefits for the period, the petitioner worked on

the post of Block Development & Panchayat Officer w.e.f. 30.4.2014 instead of only notional benefits.

The financial benefits as a consequence of the same be released to the petitioner as expeditiously as possible preferably within two months of the receipt of the certified copy of this order.

(NIRMALJIT KAUR)
JUDGE

27.1.2020
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No