

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.25629 of 2014 (O&M)

Date of Decision: 12.03.2020

Bhoop Singh

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. S.P. Chahar, Advocate,
for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

RITU BAHRI, J. (ORAL)

Petitioner is seeking direction to the respondents to grant him arrears of pay in respect of the promoted post of Assistant for 38 months prior to 10.11.2010 i.e. the date of filing of CWP No.20095 of 2010.

Short question for consideration in this petition is, 'whether the petitioner, who has been given the benefit of promotion at par with his junior by deciding the legal notice pursuant to the direction given by this Court vide order dated 11.11.2010 (Annexure P-5), can be denied arrears for the period of 38 months.'

A perusal of the order dated 06.05.2013 (Annexure P-7) shows that while considering the legal notice of the petitioner and others, respondents had referred to CWP No.19268 of 2010, titled as Ashwani

06.12.2012), which was allowed in terms of CWP No.22231 of 2010, titled as **Mahabir Singh Malik vs. State of Haryana and another** (decided on 23.08.2012).

In the case of **Mahabir Singh Malik** (supra), while granting the benefit of promotion, arrears for 38 months had been given. This fact is not being disputed by the respondents in their written statement dated 04.11.2015.

Learned State counsel has argued that case of the petitioner i.e. CWP No.20095 of 2010 was disposed of vide order dated 11.11.2010 (Annexure P-5) keeping in view the decision given by this Court in CWP No.18333 of 2002, where the benefit of arrears had not been given. However, a perusal of the order dated 11.11.2010 (Annexure P-5) shows that the direction was given to the respondents to decide the legal notice and pass an order in accordance with law.

While deciding the legal notice, respondents themselves have mentioned with respect to 38 months' arrears given to the similarly situated employees and have referred to the order passed in CWP No.22231 of 2010 (titled as **Mahabir Singh Malik vs. State of Haryana and another**) and CWP No.19268 of 2010 (titled as **Ashwani Kumar and others vs. State of Haryana and others**), where arrears for 38 months has been given. In para No.7 of the order dated 06.05.2013 (Annexure P-7), it has been stated that the Government has decided to give the said benefit to the petitioner. Once, the respondents have themselves taken a decision to give 38 months' arrears, no case is made out to deny this benefit to the petitioner.

In view of the above, this petition is allowed and the respondents are directed to give benefit of arrears for 38 months to the petitioner prior to filing of CWP No.20095 of 2010.

(RITU BAHRI)
JUDGE

12.03.2020
ajp

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