

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

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**CMs-19112-13-CWP-2018 in/and
CWP-4172-2015**

Date of Decision : March 03, 2020

PARVEEN BALA

.....Petitioner

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Ram Niwas Sharma, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

NIRMALJIT KAUR, J. (Oral)

CM-19112-CWP-2018

In view of the contends mentioned in the application, the same is allowed and the delay of 14 days is condoned.

CM-19113-CWP-2018

The application has been filed for recalling the order dated 1.11.2018 whereby the writ petition No.4172 of 2015 was rendered infructuous on the statement made by the State on the ground that Fakir Chand with whom the petitioner was claiming parity of pay has been reverted. However, the petitioner filed the present application for recalling of the said order on the ground that the statement was incorrect. Accordingly, notice of motion was issued on the application.

Reply to the application has been filed. Paras No.8 and 9 are self speaking and read as under:-

“That CWP No.4172 of 2015 came up for hearing on 15.10.2018 and Ld. DAG, Haryana appearing on behalf of the respondents contested the case on the basis of reply filed by the respondents that Sh. Fakir Chand was reverted back to the post of junior librarian and prayed for dismissal of the writ petition. Due to inadvertent and unintentional mistake of the respondents, the fact of withdrawal of reversion order of Sh. Fakir Chand could not be brought to the notice of Hon'ble Court and to Ld. DAG, Haryana for which the respondents highly regret and apologise.

That now the case of the petitioner/applicant has been examined and her pay has been stepped up at par with her junior Sh.Fakir Chand, Senior Librarian (Retired) alongwith arrears admissible to her from the actual date of promotion/date of joining on the post of Senior Librarian vide order No. 8/14-2015 Lib (3) dated 25.2.2020 (Annexure R-III). Further, the Principal Government College for Women, Rohtak has also been directed to send the pay fixation proforma and to send compliance report to the office of respondents. The relief claimed by the petitioner/applicant has been granted to her and therefore there is no cause of action against the respondents.”

In view of the above, the review application deserves to be allowed with heavy costs but taking into account that now the respondents have admitted their error and fault in their affidavit dated 2.3.2020, this Court stops itself from imposing the costs.

Accordingly, order dated 1.11.2018 is set-aside and the writ petition is ordered to be listed for hearing today itself.

Main case

In view of the reply to the review application, the writ petition is disposed of as infructuous as the relief has now been granted to the petitioner.

However, in these circumstances, as noted above while allowing the review application, the petitioner is entitled to the interest on the arrears admissible to her from the actual date of promotion i.e. 18.8.2010 till it is finally paid to the petitioner. The interest @ 6% be paid to the petitioner on the said arrears within two months from today. Needful be done within two months, otherwise the same is liable to be paid alongwith 12% interest after the expiry of period of two months.

March 03, 2020
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No