

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

Sr. No.576

CWP-14942-1999 (O&M)

Date of decision: May 19, 2022

Mukandi Lal

...Petitioner

Versus

The State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ravi Verma, Advocate
for the petitioner.

Mr. R.D. Sharma, Deputy Advocate General, Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1999, *inter alia*, for issuance of a writ in the nature of certiorari to quash order dated 21.07.1999/26.07.1999 (Annexure P-6) and order dated 26.08.1999 (Annexure P-7), whereby claim of the petitioner for arrears of notional benefits of pay fixation was rejected.

2. On 05.11.2014, the following order was passed:-

“The case in which on account of departmental inquiry, the petitioner was not considered for promotion, was dropped, however, after conclusion of the departmental inquiry the petitioner was given promotion from the date his juniors were promoted. It was mentioned in the order of promotion that the petitioner will be entitled to get the notional benefit for pay fixation only, however, actual benefit shall not be granted.

Learned counsel for the petitioner submitted that the pay of the petitioner is to be fixed notionally on the promoted post. His pensionary benefits should have been revised but the same has not been done.

Learned counsel for the State seeks time to argue the matter.

Adjourned to 26.11.2014.”

3. Perusal of the record reveals that during the pendency of the writ petition not only the petitioner was exonerated of the delinquency attributed to him

but thereafter was accorded promotion in recognition of his meritorious service record. Notwithstanding, it appears that during the pendency of the writ petition his pensionary benefits and enhancement of pension has not been carried out as per the last salary drawn by him.

- 4. Learned State Counsel has not been able to dispute this fact.
- 5. Accordingly, the petition is allowed. Let needful exercise be carried out within three months and the arrears of salary from the date of his promotion and the revised pension be paid to the petitioner alongwith 5% interest p.a.
- 6. Since the main case has been decided, pending civil miscellaneous application, if any, also stands disposed of.

(ARUN MONGA)
JUDGE

May 19, 2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No