

Sr. No.633

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**  
**CWP-5382-2000 (O&M)**  
**Date of decision: 23.05.2022**

Amar Singh Kundu

...Petitioner

Vs.

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present: Mr. Sandeep Dhull, Advocate for  
Mr. Balraj Dhull, Advocate,  
For the petitioner.

Mr. R.D.Sharma, DAG, Haryana.

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**ARUN MONGA, J. (ORAL)**

Petition herein, *inter alia*, is for issuance of a writ in the nature of mandamus directing the respondents to grant actual pay to the petitioner on the higher post to which he was promoted vide orders dated 26.03.1997 and 02.04.1997 (Annexures P-6 to P-7).

2. Petition was admitted on 18.03.2002.

3. When called out for hearing, learned counsel is unable to assist the Court for lack of instructions. Learned counsel for the petitioner states that despite attempts, his office could not contact the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

4. In any case, it appears that even on merits, claim of the petitioner is not admissible in view of the following stand taken in paras 1 and 2 of the reply, which are reproduced herein below for ready reference:-

*“1. That the petitioner joined Treasury Organization on 10.06.63 as Clerk in Joint Punjab. The petitioner left the department and joined Military Service on 26.09.63. The name of the petitioner was not included in the allocation list and was not allocated to the State of Haryana. After reorganization of*

*State of Punjab in the year 1966 the petitioner made representation on 07.10.82. The representation of the petitioner was examined and it was decided to allow him on and to join Treasury Organization as Clerk on 27.02.84. The petitioner could not be granted Military Service benefits due to his non-allocation to the State of Haryana. The petitioner filed a civil writ petition No.1392 of 1996 in the Hon'ble Punjab and Haryana High Court and the Hon'ble Court disposed of this C.W.P. on 18.12.1996 and following order was passed by the Hon'ble Court:-*

*“Argument heard the writ petition is disposed of with the direction to the respondents to decide the claim of the petitioner for counting of Military Service within two months of the submissions of certified copy of this order.”*

*In view of the order of the Hon'ble High Court, the claim of the petitioner was considered and petitioner was promoted to the post of Asstt. Treasury Officer w.e.f. 27.10.95. Since he had already joined the department, before the petition the petitioner's case was treated as he was allocated to the State of Haryana. The pay of the petitioner was re-fixed on notional basis accordingly step by step. Since the petitioner has not actually worked on the promotional posts, he is not entitled to the arrear of pay as per relevant rules and instructions.*

*2. That in view of rule 3.19 of CSR Volume-I, Part-I the petitioner is not entitled to claim arrears of pay of intervening period from 27.02.84 to 23.04.97 as he did not work on the promotional posts. The relevant para of the said rules is being reproduced for kind perusal of the Hon'ble Court:-*

*“Subject to any exceptions specially made in these rules, a Govt. employee commences or ceases to be entitled to the pay and allowances of a post with effect from the date he assumes or relinquishes charge of the duties of that posts, if he assumes or relinquishes charge of those duties in the fore noon of that date, otherwise from the following day.”*

5. I am in agreement with the stand taken by the respondents as aforesaid. Neither any replication has been filed to the afore noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

6. In view of the aforesaid, no grounds are made out to interfere.

7. Dismissed.

**23.05.2022**  
vandana

**(ARUN MONGA)**  
**JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No