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

**CWP NO.8095 OF 2000 (O&M)
DATE OF DECISION : 11.07.2022**

Samunder Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R.K. Malik, Sr. Advocate
with Mr. Sandeep Dhull, Advocate
for the petitioners.

Mr. R. D. Sharma, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of mandamus directing the respondents to consider claim of the petitioners for promotion as Store-Keepers from the date their junior have been promoted alongwith all consequential benefits.

2. On the resumed hearing today, learned State Counsel has circulated a copy of common Office Order dated 13.07.2001 to this Court, which is marked as Annexure 'A'.

3. Perusal of the common Office Order dated 13.07.2001 reveals that vide the said common order promotions were made including those of the petitioners alongwith one Sh. Kalu Ram. However, in the aforementioned promotion order (Annexure 'A'), it has been stated that none of them would be entitled to any kind of arrears for the back period since none of them had worked on the promotional post. Sh. Kalu Ram,

who was similarly situated, preferred a writ petition before this Court bearing CWP No.6999 of 2000 which was allowed in his favour vide judgment dated 27.10.2014. Speaking for this Court, my Ld. Brother Rajesh Bindal, J. (as he then was in this Court) held as follows:-

“The only reason on account of which the petitioners were not promoted as Assistants was that they had not passed the type test. Instructions dated 22.10.1997 were issued providing for a condition precedent to pass a type test for promotion to the post of Assistant, which were set aside by a Division Bench of this Court in Ramesh Kumar's case (supra). Aforesaid judgment delivered on 23.9.1999, was accepted by the State. Despite this fact remedial measures were not taken by the State immediately thereafter. The petitioners were promoted vide order dated 13.7.2001. They were ready and willing to perform the duty on the promoted posts which was denied to them, despite the fact, the persons junior to the petitioners were earlier promoted. Considering the aforesaid facts, the petitioners are held entitled to arrears of salary for the promoted posts from January 2000 onwards.

Disposed of with the directions that the arrears be calculated and the same be paid to the petitioners within a period of four months from the date of receipt of copy of the order.”

4. Having perused the aforesaid judgment, it was in this background that vide earlier order dated 23.05.2022, the learned State Counsel was asked to verify whether case of the petitioners herein is also similar to that of Sh. Kalu Ram who was promoted by a common promotion order. On the resumed hearing today, learned State Counsel does not dispute that petitioners herein are also similarly situated as Sh. Kalu Ram whose writ petition was allowed vide judgment *ibid*.

5. In the premise, I see no reason why benefit of the aforesaid judgment, which has been implemented and attained finality, be not accorded to the petitioners (*their LRs*) as well.

6. Accordingly, the petition is allowed in the same terms.

7. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

JULY 11, 2022
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No