

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(216)

CWP No. 16450 of 2018
Date of Decision : 05.05.2022

Gurbachan Dass

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Umesh Narang, Advocate for the petitioner.

Mr. Raman Kumar Sharma, Addl. Advocate General, Haryana.

Mr. Puneet Jindal, Senior Advocate with
Mr. Tajinder Singh, Advocate for respondents No. 2 to 6.

Harsimran Singh Sethi J. (Oral)

In the present petition, the challenge is to the order dated 04.05.2018 (Annexure P-18) by which, though the claim of the petitioner for retrospective promotion has been accepted but the benefits of arrears have been given to him only from 20.03.2014 i.e. the date on which the representation/ application was filed by the petitioner seeking the said claim.

Learned counsel for the petitioner argues that in the application dated 20.03.2014, a copy of which has been appended along with the petition as Annexure P-7, the petitioner has mentioned that he had earlier filed representations on 18.04.2009, 12.02.2010, 03.04.2011 and 04.08.2011

and, therefore, the restriction of the grant of claim by the respondents only from the date of application dated 20.03.2014 is not correct.

Learned senior counsel appearing on behalf of the respondents submits that the representation dated 20.03.2014 (Annexure P-7) was the first representation and there is nothing on record to show that the petitioner had applied for the grant of same relief prior to the said date also. Learned senior counsel very fairly submits that in case the petitioner had submitted any representation starting from the year 2009 onwards, he may prove the same with the respondents through a representation and in case, he is able to prove the same, appropriate decision with respect to petitioner's entitlement for arrears of salary for any period prior to the date on which it has already been extended, will be taken and if he is found entitled, same will be extended to him.

Faced with this situation, learned counsel for the petitioner prays that the present petition be disposed of having been not pressed any further with liberty to the petitioner to approach the respondents so as to substantiate the fact that the petitioner had filed representations starting from the year 2009 onwards so as to claim the benefit from the said date.

Ordered accordingly.

May 05, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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Whether speaking/reasoned : Yes/No
√
Whether reportable : Yes/No