

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

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CWP-4595-2016

Date of Decision :12.10.2022

B.S. Dhillon**...Petitioner**

Versus

State of Haryana and another**...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Amit Jaiswal, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl, AG, Haryana.

Mr. Lalit Attri, Advocate for

Mr. Sunil Kumar Sharma, Advocate for respondent No.2.

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Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the prayer of the petitioner is that keeping in view the retrospective promotion granted to the petitioner to post of Sub Divisional Engineer w.e.f. 19.04.1991, the petitioner is entitled for the grant of consequential benefits, keeping in view the order dated 30.01.2007 (Annexure P/2) passed by the Financial Commissioner and Principal Secretary to Government Haryana, Agricultural Department .

The facts as mentioned in the present writ petition are that the petitioner, who was working as Junior Engineer became eligible for promotion to the post of Sub Divisional Engineer but keeping in view the pendency of the charge sheet, which was issued to the petitioner in the year 1987, he was not granted the benefit of regular promotion but juniors of the petitioner were promoted in the year 1991. Ultimately the charge sheet

which was issued against the petitioner in the year 1987 was decided in the year 2003 and only a punishment of censure was imposed upon the petitioner. After the culmination of the said proceedings, the petitioner requested the respondents to promote him as Sub Divisional Engineer from the date, his juniors were promoted to the said post and his request was accepted by the respondent-department and he was promoted to the post of Sub Divisional Engineer vide order dated 17.01.2006 w.e.f. 19.04.1991 but arrears of salary was denied by the respondents on the ground that the petitioner had not worked on the said post. The petitioner challenged the said order dated 17.01.2006 by way of filing an appeal before the Financial Commissioner and Principal Secretary to Government Haryana, Agricultural Department and vide order dated 30.01.2007 (Annexure P/2), the petitioner was held entitled for consequential benefits as well. Feeling aggrieved by the said order dated 30.01.2007 (Annexure P/2), the respondents-Board filed a writ petition being CWP-11646-2007 before this Court but the same was withdrawn by the respondent-Board on 06.11.2007. After the withdrawal of the writ petition, order dated 30.01.2007 (Annexure P/2) passed by the Financial Commissioner and Principal Secretary to Government Haryana, Agricultural Department attained finality but the respondents did not implement the said order and the present petition has been filed by the petitioner with a prayer that the respondents be directed to implement the said order.

After notice of motion, reply has been filed by the respondents wherein, again the same ground has been taken by the respondent-Board that as the petitioner has not worked on the post of sub Divisional Engineer though, he has been granted retrospective promotion, the petitioner is not

entitled for the arrears of salary. Respondents have conceded the fact that the petitioner was held entitled for arrears of salary by the Financial Commissioner and Principal Secretary to Government Haryana, Agricultural Department vide order dated 30.01.2007 (Annexure P/2) and the writ petition filed by the respondents against the said order, was withdrawn by the respondents.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present petition, the only request of the petitioner is for implementation of order dated 30.01.2007 (Annexure P/2) passed by the Financial Commissioner and Principal Secretary to Government Haryana, Agricultural Department. It is a conceded position that the said order has already attained finality. That being so, respondents are under an obligation to grant the petitioner benefits which accrue to the petitioner under the said order. Respondent-Board has again taken the same plea before this Court which plea was not accepted by the Financial Commissioner and Principal Secretary to Government Haryana, Agricultural Department especially, when the order dated 30.01.2007 (Annexure P/2) was challenged by the respondent-Board before this Court by way of writ petition and the same was withdrawn by the respondent-Board.

Keeping in view the above, the present writ petition is allowed. Respondents are directed to implement order dated 30.01.2007 (Annexure P/2) passed by the Financial Commissioner and Principal Secretary to Government Haryana, Agricultural Department in letters and spirit within a period of two months from the date of receipt of copy of this order.

Learned counsel for the petitioner prays that the petitioner be

also given a liberty to file a appropriate representation before the respondents for payment of interest for not releasing the arrears of salary by the respondent-Board for the last 14 years.

Ordered accordingly.

October 12, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No