

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

CWP-5456-2018 (O&M)

Date of decision: July 22, 2022

Surender Singh

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rakesh Nagpal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of Certiorari for quashing/ modifying the order dated 15.09.2017 (Annexure P-13) whereby the petitioner has been notionally promoted to the post of Assistant from 17.06.2013 instead of 29.12.2016 and order dated 09.01.2018 (Annexure P-15) passed by the respondents, whereby petitioner has been given promotion on notional basis to the post of Assistant and also seeks a mandamus directing the respondents to pay consequential monetary benefits including arrears of salary with interest and further promotion to the post of Taxation Inspector.

2. Learned counsel for the petitioner relies on the decision dated 01.08.2018 of Division Bench of this Court rendered in **LPA-1193-2017** titled **HVPNL, Panchkula and others versus Smt. Sheelawanti** to contend that he is entitled to the salary w.e.f. the date of his promotion particularly when promotion was denied for no fault of his, as it is conceded case of the Department which has taken corrective measures during pendency of the writ proceedings.

3. In the reply dated 09.08.2018, following stand has been taken in Para-2 of the Preliminary Submissions:-

“2. That the brief facts of the case are that the petitioner was appointed as Clerk on daily wages basis on 14.09.1987. Thereafter the petitioner was appointed as Clerk on ad hoc basis and his services were regularized vide order dated 12.05.1995 w.e.f. 31.03.1993. The name of the petitioner was not mentioned in the gradation/ seniority list of 1995. Further the petitioner approached to the Hon’ble High Court by filing Civil Writ Petition No.12295 of 2017 which was decided on 31.05.2017. In compliance of the order passed in above noted writ petition, the name of the petitioner was included in the gradation list/ seniority list at Sr. No.884A above Sh. Sarwan Singh and below Sh. Anil Kumar. Further, he was promoted as Assistant and Taxation Inspector vide order dated 15.09.2017 and 24.11.2017 respectively. Accordingly the legal notice dated 23.01.2017 (P-11) was decided vide order dated 09.01.2018. Copy of the same has been Annexed as Annexure P-15 by the petitioner. It is pertinent to mention here that as per availability of vacancy of post of Excise Inspector and Taxation Inspector, the case of the petitioner has been considered and he was promoted as Taxation Inspector.”

4. In the aforesaid premise, it appears that claim of the petitioner *qua* his promotion already stands satisfied. Writ petition is accordingly, disposed of. Respondents are directed that the petitioner be paid arrears of his salary in accordance with the promotional post being held by him w.e.f. the date he was notionally promoted. As regards claim of the petitioner that he has to be necessarily appointed as Excise Inspector instead of Taxation Inspector, I do not find any ground to interfere as both the posts are equal in status and salary and in the same cadre.

5. Needful be done within a period of three months.

(ARUN MONGA)
JUDGE

July 22, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No