

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH  
(104+234)

**CM No.19732 of 2022 in/and**  
**CWP No.32224 of 2018**  
Date of Decision : 12.12.2022

**Jatinder Verma**

**....Petitioner**

**Versus**

**State of Haryana and others**

**....Respondents**

***CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present:- Mr. B.K. Bagri, Advocate  
for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

**\*\*\***

**Harsimran Singh Sethi, J. (Oral)**

**CM No.19732 of 2022**

Application is allowed.

Documents are taken on record.

**CWP No.32224 of 2018**

In the present petition, the grievance of the petitioner is that the junior of the petitioner, the details of whom have been given in para 8 of the petition, are getting higher pay than the petitioner, which is not permissible and petitioner is entitled for the step up of pay equivalent to that of junior .

In short reply filed by the counsel for the respondents, the respondents have stated that certain persons, details of whom have been

given in the petition, were granted the benefit of higher pay, thereafter, grant of higher pay to those employees was reconsidered and the benefit has already been taken back from all except Archna, who is otherwise senior to the petitioner as the seniority position of Archna in the year 2011 was 794 whereas the petitioner was at seniority position 1257.

Learned counsel for the petitioner submits that the seniority list has again been amended and in the fresh seniority list, the petitioner has been placed above Archna as the name of the petitioner is at Sr. No.978 whereas name of Archna is at Sr. No.1181, hence, the petitioner is entitled for stepping up of his pay equivalent to the salary which Archna is getting.

Learned counsel for the respondents submits that as far as the instructions are concerned, the said seniority list is under litigation and the same have not been implemented, therefore, no grievance can be made by the petitioner.

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

It is a settled principle of law that a senior is entitled for the salary atleast equivalent to which is being given to his/her junior in the same cadre. The petitioner has asserted that though initially he was junior to one Archna but now in the seniority list which has been amended, the petitioner has been declared senior to Archna hence, he is entitled for the grant of step up of pay making his salary equivalent to salary being granted to Archana.

This Court is not opining with respect to which seniority list is to be implemented, keeping in view the various litigations going on.

Direction is issued to the respondents to consider the claim of the petitioner in respect of step up of his pay equivalent to Archana keeping in view the seniority list which is applicable as of now and can be implemented and, if, petitioner is to be given higher salary, appropriate order be passed within a period of eight weeks from the date of receipt of copy of this order. In case, it is found that the petitioner is entitled for any benefit, the same will be given to him within a period of four weeks.

Present writ petition stands disposed of.

**December 12, 2022**  
**jt**

**( HARSIMRAN SINGH SETHI )**  
**JUDGE**

*Whether reasoned/speaking?*    *Yes*  
*Whether reportable?*                *No*