

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(228)

CWP No. 8310 of 2019

Date of Decision : 09.08.2023

Ram Singh Chahal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhijeet Sharma, Advocate for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Mr. Rakesh Nagpal, Advocate for respondent No. 4.

Mr. Naveen Daryal, Advocate
for respondents No. 5, 6 and 8.

Harsimran Singh Sethi J. (Oral)

In the present petition, the grievance of the petitioner is that upon the date of his ante-dated appointment from 15.08.1968, his seniority was fixed at 67A and by the time, the said benefit was given to him, the candidate below the petitioner in the seniority list had already been promoted as Statistical Assistant, Assistant and Accountant, hence, the petitioner was entitled for the grant of benefit of the said promotion.

Learned counsel for the petitioner submits that though the said promotions were granted to the petitioner while he was in service but keeping in view the information, which the petitioner received under RTI, one of the employee, who was junior to the petitioner upon the re-fixation of his seniority, had further been promoted as Superintendent in

the year 2000, which benefit has not been given to the petitioner though, he was entitled for the said benefit as well.

Learned counsel for the respondent-State concedes the factum that though, the petitioner joined the department after being released from the Military and he was given the benefit of Military service rendered during the emergency from 27.04.1963 to 03.11.1967 by giving him ante-dated appointment in the Cadre of Clerk w.e.f. 15.08.1968 and his seniority was fixed in the said Cadre at Sr. No. 67A.

In paragraph 5 of the reply, it has also been conceded that petitioner was also granted further promotion from the date, the person junior to the petitioner, namely, Ishwar Dass Khan was promoted as Junior Auditor, Assistant and Accountant. Learned counsel for the respondents submits that upto the date of his retirement, the petitioner never claimed the further promotion and retired on 28.02.2002, hence, the present petition, which has been filed after 17 years of his retirement, is liable to be dismissed.

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

Once, on giving the petitioner the ante-dated appointment in the Cadre of Clerk from the year 1968, his seniority was fixed at Sr. No. 67A and he was granted further promotions to the post of Junior Auditor, Assistant and Accountant from the date person junior to him was promoted, the petitioner should have also been accorded the benefit of the promotion to the Cadre of Superintendent as, respondent No. 4 was

concededly junior to the petitioner and had already been promoted to the post of Superintendent prior to the retirement of the petitioner.

It is a settled principle of law that in case, any benefit is given to the employee, all the consequential benefits need to be released to him and in the present case, especially when the petitioner had already been granted ante-dated promotions to the post of Junior Auditor, Assistant and Accountant with retrospective effect then the grant of promotion to the post of Superintendent should have also been considered.

Keeping in view the above, the present petition is allowed to the extent that respondents should consider the claim of the petitioner for promotion to the post of Superintendent from the date person junior to him was promoted and in case, he is found fit for the said promotion keeping in view his record, the same be also extended to him notionally. It is clear that respondents will revise the pensionary benefits of the petitioner and the arrears for which the petitioner will become entitled for, will be restricted to three years and two months from the date of filing of the petition.

Let the present order be complied with within a period of two months from the date of receipt of certified copy of this order.

Petition is allowed in above terms.

August 09, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No