

225-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-26125-2016 (O&M)

*Date of Decision: 04.07.2023*

**RAKESH KUMAR**

.....Petitioner

V/s.

**STATE OF PUNJAB AND OTHERS**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA.**

Present: Mr. Madhav Pokhrel, Advocate,  
for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

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**SANJEEV PRAKASH SHARMA, J (Oral)**

1. The petitioner has preferred this petition under Article 226 of the Constitution of India seeking stepping up of his pay fixation at par with his junior(s).

2. Notice in this case was issued, reply has been filed and the respondents have accepted that the petitioner is entitled for getting his stepping up of his pay done. However, learned counsel for the petitioner points out that the stepping up of the pay has been done only with effect from 27.07.2018, however, the petitioner is entitled to receive the stepping up of pay w.e.f. 01.04.2010 and therefore, arrears have accrued in his favour which are yet to be released.

3. Learned State counsel states that as per the Policy, the petitioner was granted stepping up from the date the orders were passed, However, this Court does not agree with the contentions of the learned State counsel because once, it is admitted that the petitioner was entitled for

stepping up of his pay, the same has to be done from the date his junior started getting a higher pay than the concerned person.

4. Accordingly, the petitioner is entitled for arrears of pay w,e,f, 01.04.2010 upto 27.07.2018. The said arrears shall now be released by the respondents. The Writ Petition is accordingly allowed, the petitioner would also be entitled to simple interest @6% on the arrears from the date they were due.

5. No costs.

**July 4, 2023**  
Ess Kay

**[ SANJEEV PRAKASH SHARMA]**  
**JUDGE**

|                                    |   |                |
|------------------------------------|---|----------------|
| <i>Whether speaking / reasoned</i> | : | <i>Yes/No.</i> |
| <i>Whether Reportable</i>          | : | <i>Yes/No</i>  |