

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

(204)

CWP-27504-2015

Date of Decision : August 02, 2023

Ram Avtar

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jagjeet Beniwal, Advocate, for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Ms. Rajni Bala Rohilla, Advocate, for respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the grievance being raised by the petitioner is that respondent No.4, who is junior to him, was getting more salary than the petitioner, hence, the petitioner is entitled for stepping up of his pay equivalent to that of respondent No.4.

2. Learned counsel for the petitioner argues that a junior employee cannot get higher salary than senior and once it is a conceded position that the petitioner was appointed as Helper prior to respondent No.4, the petitioner is entitled for stepping up of his pay equivalent to that of respondent No.4.

3. The respondents are contesting the claim of the petitioner and in the reply, the respondents have mentioned that the seniority of the Helper

is being maintained in a particular depot where the said Helper is working and the petitioner and respondent No.4 were not working in the same depot. As per the respondents, once there is no inter se seniority between the petitioner and respondent No.4, the claim that respondent No.4 is junior to the petitioner so as to claim stepping up of his pay equivalent to respondent No.4, is incorrect.

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

5. The factum that the petitioner and respondent No.4 were working in the different depots is a conceded fact. Once, it has already come on record that the seniority of the Helper is depot wise and both the petitioner and respondent No. 4 were working in different depots, it cannot be said that there was any inter se seniority between the petitioner and respondent No.4 so as to allege that respondent No.4 was junior to the petitioner so as to claim the step up of his pay.

6. The averments made in the reply have gone un rebutted as there is no replication filed to the same. Hence, once there is no inter se seniority between the petitioner and respondent No.4, the claim being raised by the petitioner of stepping up his pay by treating the respondent No.4 as junior, is not at all maintainable and cannot be accepted.

7. No ground is made out for the grant of prayer as raised in the present petition.

8. Dismissed.

August 02, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No