

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

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CWP No. 33962 of 2019

Date of Decision: 01.05.2023

RAMESH CHAND

.....Petitioner

Vs

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Naveen Singh Panwar, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The petitioner has preferred this petition, assailing the order dated 18.07.2018 declining the benefit of stepping up of the case of the petitioner with Deoraj Singh retired principal. The benefit has been declined to the petitioner solitary on the ground that Deoraj Singh was promoted as Lecturer in Commerce, whereas the petitioner was promoted as Lecturer in Economics, therefore, they cannot be stepped up with each other.

Learned counsel for the petitioner with reference to the Government of Haryana Provisional List of the Haryana Education Services-II, Lecturers (School Cadre) as it stood on 01.04.2005, submits that there is a common cadre seniority of the petitioner and Deoraj Singh. According to the Provisional

Gradation List of Lecturers (School Cadre), as on 01.04.2005, the petitioner was placed in seniority at Sr.No. 592 and Deoraj Singh was placed in seniority at Sr.No.998.

Concededly, the petitioner was senior to Deoraj Singh and this fact has been admitted by the respondents in their reply also. In the impugned order, the ground of rejection of the claim of the petitioner was only that the petitioner was promoted as Lecturer in Economics, whereas, Deoraj Singh was promoted as Lecturer in Commerce.

In the reply filed by the respondents, a new case has been set up on the ground that the petitioner was not entitled to any stepping up vis-a-vis Deoraj Singh as litigation is still pending in Hon'ble Apex Court. Admittedly, Deoraj Singh has been granted benefit of stepping up. Deoraj Singh was junior to the petitioner as the petitioner was appointed as Math Master on 08.08.1980 and his services were regularized on the post of Math Master on 08.01.1983. He was promoted as Lecturer in Economics on 26.08.1986 and thereafter he was promoted as Principal on 18.01.2002. He was further promoted to the post of Block Education Officer and thereafter, he was promoted as Deputy District Education Officer and ultimately retired on 30.06.2012.

On the other hand, Deoraj Singh was appointed as Science Master on 25.11.1981 and his services were regularized as Science Master on 01.11.1986. He was promoted as Lecturer in Commerce on 02.11.1989 and thereafter, he was promoted as principal on 23.01.2006 and ultimately retired on 30.11.2014 on the post of Principal. The petitioner was senior to the aforesaid Deoraj Singh having been promoted on 18.01.2002, whereas Deoraj Singh was promoted

on 23.01.2006. The petitioner was promoted to the post of Deputy District Education Officer and also retired as Deputy District Education Officer on 30.06.2012, whereas, Deoraj Singh retired from the post of Principal on 30.11.2014.

On 01.01.2006, the pay scale of the petitioner was Rs.15600-39100, whereas, pay scale of Deoraj Singh was Rs.9300-34800. Net pay of the petitioner was Rs.25,490/-, whereas, net pay of Deoraj Singh was Rs.25,190/-.

With reference to the aforesaid facts, learned counsel for the petitioner submits that the impugned order is not legally sustainable as the same is non speaking and is based on some unfounded facts. There was no separate seniority maintained vis-a-vis the subjects of Commerce and Economics. In fact, there was a common school cadre seniority in which the petitioner was senior to Deoraj Singh.

Having heard learned counsel for both the parties, I find that the impugned order is totally non speaking and is based on some facts not originated from the record. Therefore, the impugned order is set aside. However, liberty is granted to the respondent-department to pass a fresh order in accordance with law.

Petition stands disposed of accordingly.

(RAJ MOHAN SINGH)
JUDGE

May 01, 2023

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No