

**CWP-14013-1997 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(103)****CWP-14013-1997 (O&M)****Date of Decision : November 05, 2024****Dev Raj****.. Petitioner****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI****Present:** Mr. Sunil Agnihotri, Advocate, for the petitioner.

Mr. Charan Preet Singh, Assistant Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioner is that the petitioner was granted promotion to the post of Lecturer (Punjabi) though w.e.f. 22.10.1993 but he was only given the benefit of fixation of pay, seniority from the date of joining as a Lecturer, which is arbitrary and illegal and the petitioner should have been granted the benefit of pay and seniority along with arrears from the date the petitioner has been granted promotion as a Lecturer in Punjabi.

2. Upon notice of motion, the respondents have filed the reply wherein, the respondents have stated that though it has been mentioned in the impugned order that the benefit of fixation of pay and seniority will be given from the date of passing of the order i.e. 31.10.1996 but the petitioner

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has already been given the benefit of seniority as well as fixation of pay from the date he has been promoted but as he has not worked on the post of Lecturer, the promotion with retrospective effect has been given with notional benefits.

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

4. Once the petitioner has not worked on the post of Lecturer, the claim which is being raised for the grant of arrears is not maintainable. Further, the petitioner has not been granted the regular promotion with retrospective effect as a Lecturer but he was only granted temporary promotion as Lecturer in Punjabi with retrospective effect. Once the promotion was temporary, the claim of arrears on the basis of the temporary promotion, which is retrospective is not maintainable. Still, the respondents have granted the petitioner the benefit of fixation of pay and seniority from the said date i.e. 22.10.1993 hence, the petitioner should be satisfied with the same.

5. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

6. Dismissed.

7. Civil miscellaneous application pending if any, also stands disposed of.

November 05, 2024*harsha***(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No