



CWP-8817-2020 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CWP-8817-2020 (O&M)
Date of Decision :18.12.2024

Kiranpreet Kaur and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jagtar Singh Sidhu, Advocate for the petitioners.

Mr. Satnampreet Singh Chauhan, DAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present petition, prayer of the petitioners is that though the petitioners have been granted appointment with effect from the date the candidate lower in merit was appointed but the said benefit has been given notionally though, non-grant of appointment at the relevant time was not due to inaction on the part of the petitioners but due to the fault of the respondents.

Learned counsel for the petitioners submits that the petitioners claimed all the arrears of salary and other benefits, which benefits have been denied by the respondents while passing impugned order dated 25.09.2019 (Annexure P-9/T).

Upon notice of motion, the respondents have filed reply wherein, it has been stated that the petitioners had filed CWP-27329-2016, which was disposed of on 14.03.2019 wherein, the prayer of the petitioners



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was only that they are entitled for notional fixation and seniority, which benefit has not been granted to them after their appointment and the direction given by this Court was to grant the petitioners the notional benefit according to their merit, which benefit has already been granted to them hence, now the petitioners cannot turn around to claim the benefit of arrears of salary which was not even the prayer of the petitioners before this Court.

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

The impugned order dated 25.09.2019(Annexure P-9/T) has been passed by the respondents keeping in view the direction given by this Court. The plea which was raised before the respondents was to grant the petitioners the benefit of notional pay and seniority according to their merit, which fact is clear from the impugned order wherein, the order passed by this Court has been reproduced.

Learned counsel for the petitioners has not been able to rebut that the plea of the petitioners before the authority was only for notional fixation, which benefit has been granted .

Once, the prayer of the petitioners was for notional fixation, which has been granted, the said order cannot be challenged that now the petitioners want the arrears of salary also upon retrospective appointment. Once, the said claim was not raised by the petitioners and the claim was only for notional fixation, which benefit has already been granted to them by the impugned order, the present petition could not have been filed by the petitioners so as to change their prayer even to seek benefit of arrears.

Even otherwise, the petitioners have not worked on the post



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hence, the claim being raised by the petitioners to grant them the benefit of arrears without even working, is not made out.

Keeping in view the facts and circumstances as noticed hereinbefore, no ground for interference by this Court is made out and the present petition is accordingly dismissed.

Civil miscellaneous application pending, if any, is also disposed of.

December 18, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No