

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

(226)

CWP-11754-2020

Date of Decision : February 27, 2024

**Ishwar Chander and another****.. Petitioners****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. R.K. Arora, Advocate, for the petitioners.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

**HARSIMRAN SINGH SETHI J. (ORAL)**

1. Learned counsel for the petitioners argues that the petitioners were given promotion to the post of higher post of Section Officer on the stop gap arrangement dated 01.03.2021 and 01.05.2012 (Annexures P-1 and P-2 respectively) with the clear intent that the petitioners will not be granted the benefit of higher post but as the said stop gap arrangement is continued for a period of seven years and the petitioners discharged the duties of the higher post, keeping in view the settled principle of law, the respondents were under an obligation to grant the petitioners the benefit of the pay for the post of Section Officer, duty of which the petitioners had discharged on stop gap arrangement.

2. Learned counsel for the petitioners places reliance upon the decision of this Court in *CWP No.7312 of 2016 titled as Baldev Krishan*

*Sharma Vs. State of Haryana and others, decided on 17.11.2018*

(Annexure P-6) wherein, the similarly situated employees of the same Department have been given the benefit as being claimed by the petitioners in the present petition.

3. Learned counsel for the petitioners submits that the benefits as being claimed by the petitioners, have already been allowed in favour of the petitioner in *Baldev Krishan Sharma's case (supra)* but the same has not been extended to the petitioners on the ground that the petitioners never approached this Court for the grant of relief which was extended to the petitioner in *Baldev Krishan Sharma's case (supra)*.

4. Learned counsel for the respondents, on the other hand, submits that the petitioners were asked to discharge the duties of the post of Section Officer as stop gap arrangement. Learned counsel for the respondents further submits that once the petitioners have never been promoted as Section Officer on regular basis, the petitioners cannot be allowed the benefit of same pay scale as being extended to the Section Officer and therefore, the claim of the petitioners is liable to be rejected.

5. With regard to the grant of same benefit, as being claimed by the petitioners in *Baldev Krishan Sharma's case (supra)*, learned counsel for the respondents concede the said factum.

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

7. Once, a benefit which is being claimed by the petitioners has already been extended to similarly situated employees by this Court, which judgment has already been accepted by the respondents, it was incumbent upon the respondents to grant the same benefit to the similarly situated employees rather than forcing them to approach this Court.

8. Keeping in view the conceded fact that the petitioners are similarly situated employees as the petitioner in *Baldev Krishan Sharma’s case (supra)*, the present writ petition is also allowed in terms of *Baldev Krishan Sharma’s case (supra)*.

February 27, 2024  
harsha

(HARSIMRAN SINGH SETHI)  
JUDGE

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