



CWP-14031-2024

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

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CWP-14031-2024

Date of Decision: 10.07.2024

DEVENDER KUMAR

...Petitioner(s)

Versus

THE STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Rohit Mittal, Advocate
for the petitioner.

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondent-Department to provide equal pay to the petitioner as given to his junior, respondent No.3.

2. As per the facts on record, the petitioner was not offered appointment by the Department and he approached this court by filing CWP No.7723 of 1996, Annexure P-2, which was allowed, vide order dated 12.08.1996, directing the respondents to offer appointment to the petitioner in accordance with law in the general merit list. He was also held entitled to be placed in seniority in the order of merit determined by the Board, but was not granted any arrears of salary. Similarly, the third respondent was also given appointment pursuant to the order, dated 29.07.1996, passed by this Court in CWP No.3867 of 1996, Annexure P-3, holding him entitled to appointment forthwith as a General category candidate, since persons junior to him in the order of merit determined by the Board had already been offered appointments. He was deemed to be in service with effect from the date

persons below him had been appointed, and not from the actual date of joining. Pursuant thereto, he was appointed as Lecturer in Mathematics on 06.03.1996.

3. Learned counsel for the petitioner contends that both, the petitioner and the third respondent, were appointed pursuant to the same advertisement and the latter is junior to the former. Therefore, the petitioner is entitled to stepping-up of pay equal to that of the third respondent.

4. As per facts mentioned on record, both, the petitioner and the third respondent, were given appointments pursuant to different orders passed by this Court, dated 12.08.1996 and 29.07.1996, respectively. The appointments were offered in terms of directions issued by this Court. Accepting the same, both of them joined the Department and have been working ever since. It is not brought out from the record that both of them were appointed pursuant to the same advertisement and through a common merit determined by the selecting/recruiting body/board. Besides, after being in service for about twenty-eight years without protesting about the pay, the claim for grant of higher salary to the petitioner, equivalent to that of his junior, cannot be entertained.

5. In view of the discussion, there is no merit in the petition and it stands dismissed in *limine*.

(TRIBHUVAN DAHIYA)

JUDGE

10.07.2024

Ad

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