

**2024:PHHC:044371**

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

|                                   |                                                                        |                        |
|-----------------------------------|------------------------------------------------------------------------|------------------------|
| <b>108</b>                        | <b>CWP-12873-2013 (O&amp;M)</b><br><b>Date of decision: 03.04.2024</b> |                        |
| <b>OPINDER KUMAR AND OTHERS</b>   |                                                                        | <b>....PETITIONERS</b> |
| <b>Vs.</b>                        |                                                                        |                        |
| <b>STATE OF PUNJAB AND OTHERS</b> |                                                                        | <b>...RESPONDENTS</b>  |

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:     Mr. Ravi Sharma, Advocate  
                  for the petitioners.

Mr. Aman Dhir, DAG, Punjab.

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**JAGMOHAN BANSAL, J (ORAL)**

1.           Additional affidavit of Akhil Chaudhary, IPS, Assistant Inspector General of Police, Personnel-II, Punjab, Chandigarh filed on behalf of respondent Nos. 1 to 4 is taken on record. Registry is directed to tag the same at an appropriate place.
  
2.           The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of report dated 20.03.2011 (Annexure P-3) of Committee of Officers whereby arrears have been denied and they have been denied promotion to the post of Sub Inspectors from the date the respondents had been promoted.
  
3.           Mr. Ravi Sharma, Advocate submits that petitioners were promoted as ASI in 1989. Their period of probation was 2 years. The private respondents were appointed as ASI in 1989, however, their probation period was 3 years. The petitioners were entitled to further promotion as Sub Inspectors prior to the directly recruited ASI(s) i.e. private respondents.

4. The petitioners, as per Departmental Promotion Committee meeting dated 25.10.2023, have been granted deemed date of promotion to the rank of DSP. They have been granted deemed date of promotion, however, they have not been extended benefit of arrears.
5. Mr. Ravi Sharma, Advocate submits that grievance of the petitioners *qua* deemed date of promotion stands redressed, however, action of respondent denying arrears is not justified.
6. I have heard the arguments of both sides and with the able assistance of learned counsels perused the record.
7. The petitioners are claiming deemed date of promotion as well as arrears. They have been granted deemed date of promotion, however, they have not been paid arrears on the principle of ‘No Work No Pay’. The petitioners concededly have discharged duty during the relevant period on a lower post and have been promoted on deemed basis. The petitioners have not discharged duty on higher post, thus, they cannot be paid salary of the said post, especially when they had received salary for the post of and work, they performed. The respondent is further conceding that pension of the petitioners would be calculated on the basis of deemed date of promotion.
8. Disposed of in above terms.
9. Pending miscellaneous application(s), if any, shall also stand disposed of.

03.04.2024  
manoj

[JAGMOHAN BANSAL]  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |