



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

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**CWP-16026-2024
Decided on:16.07.2024**

Jaswinder Singh Mangat

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Aman Bansal, Advocate for the petitioner.

Mr. Aman Dhir, DAG, Punjab
(appearing on receipt of advance copy of petition).

SANJAY VASHISTH, J.(Oral)

1. Petitioner-Jaswinder Singh Mangat, aged 70 years, has filed the instant writ petition for quashing of the order dated 15.12.2023, signed on 21.12.2023 (Annexure P-1) passed by respondent No.1 (Department of Home Affairs and Justice, Civil Secretariat Punjab), to the extent of withholding the genuine benefits of the petitioner, whereby it has been decided that petitioner would be promoted on notional basis, thus, he apprehends that the arrears of salary for the post of DSP would not be given to him.

2. Mr. Aman Bansal, Advocate representing the petitioner submits that though the petitioner has been considered to be promoted for the post of DSP w.e.f. 31.10.2007 i.e. when his junior employee was promoted on the



post of DSP, but benefit of arrears of salary for the post of DSP uptill the age of retirement would not be given to him

3. Mr. Aman Dhir, DAG, Punjab, appearing on receipt of advance copy of petition, submits that infact in view of the decision given by the co-ordinate bench of this Court (Punjab and Haryana High Court), in ***CWP-12873 of 2013***, titled as, '***Opinder Kumar and others Vs. State of Punjab and others***', ***decided on 03.04.2024***, the petitioner is not entitled for arrears of salary on the principle of '***No Work No Pay***'. However, the pay of the post would be fixed notional and considering such fixation, the petitioner would be entitled for any pensionary benefit for the post of DSP by considering him retired from the post of DSP.

For reference, the operative part of the aforesaid order is reproduced herebelow.

“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.”

4. Learned State counsel also relies upon the decision dated ***14.05.2024***, given by this Court in the bunch of seven writ petitions i.e. ***CWP-24835-2022 & other connected cases***, titled as, “***Ram Dial Singh and others vs. State of Punjab and another***” was the lead case and submits that the similar view has been taken by the co-ordinate Bench of this Court in the



said writ petitions also, and refers to paragraph No.7, 8 and 9. For the sake of convenience, paragraph Nos.7,8 and 9 of the said order is reproduced here-in-below:

“7. Concededly, the petitioners never worked as DSP during their service. They after retirement have been granted rank of DSP from back date. Meaning thereby, they have been granted promotion on deemed basis. The respondent has revised their pay on notional basis and accordingly, pension has been re-fixed. As they have never performed duty as DSP, this Court does not find it appropriate to direct the State to pay them salary as DSP. There is no patent or manifest error in the decision of the State to notionally calculate their pay and accordingly revise pension.

8. It is made clear that respondent shall supply copy of calculation of deemed salary to all the petitioners within two weeks from today.

9. Disposed of in above terms.”

5. On going through the observations already made before this Court in the aforementioned judgments passed in the writ petitions, involving the same controversy, I find that the issue requiring its adjudication in the present case, is also the same i.e. for examining the entitlement of the petitioner as to whether, he would be entitled for the arrears of salary or not, for the post on which he never worked. The observations made in the referred cases would also be applicable *qua* the other aspect of the issue i.e. entitlement of the petitioner to get the notional fixation of the salary and thereupon, said fixation be taken into account for the purpose of granting the pensionary benefits only.

6. Therefore, by applying the ratio of law already laid down by this Court in judgments mentioned in the foregoing paragraphs, the present writ petition is disposed of by observing that the petitioner in the present



case, would not be entitled for the arrears of salary on the principle of “**No Work No Pay**”, as he had discharged the duty during the relevant period on a lower post, and has been promoted on deemed basis. This is not the case of the petitioner that he has not been paid salary for the post, he actually worked.

Undoubtedly, in view of the observations made by the Coordinate Bench of this Court, and having been noticed here-above, the pension of the petitioner would be fixed after calculating the notional fixation of pay of the post, on which, he has been deemed to have retired.

With the aforementioned terms, present writ petition is hereby disposed of.

16.07.2024

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Whether speaking/reasoned
Whether reportable?

[SANJAY VASHISTH]
JUDGE

Yes/~~No~~
Yes/~~No~~