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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5126-2016 (O&M)

Date of Decision:15.01.2024

GURMEET SINGH AND OTHERS

.....Petitioners

V/s.

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Padamkant Dwivedi, Advocate, with
Mr. N.K. Manchanda, Advocate for the petitioner(s).

Mr. Charanpreet Singh, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The petitioners have preferred this Writ Petition challenging the order passed by the respondents denying them the actual benefits of pay and allowances on the post of Agricultural Sub Inspector from the date their juniors had been promoted i.e. 02.04.1998, whereas, they have been actually promoted on 13.03.2013.

2. The brief facts which are required to be noticed are that three persons, (i) Paramjit Singh Son of Pritem Singh, (ii) Paramjit Singh Son of Fobi Singh and (iii) Baldev Singh Son of Hakam Singh, were promoted on notional basis vide order dated 10.01.2010 w.e.f. the creation of the post i.e. 02.04.1998. The petitioners were admittedly senior to the said three persons. They, therefore, preferred a Writ Petition before this Court i.e CWP-641-2013 seeking parity and claiming promotion from the date their juniors had been promoted. The Court, without going into merits of the case, directed the respondents to take a decision within a period of three months

from the date of receipt of copy of that order. It was further stated that if the claim of the petitioner is not accepted, reasoned and speaking order may be passed. Having realized that the persons junior to the petitioner had been promoted, the respondents passed order 13.03.2013 promoting the petitioners but did not give actual benefits w.e.f. 02.04.1998.

3. Learned counsel for the petitioners submits that since the petitioners had been deprived on account of the action of respondents, they are entitled for the actual benefits, however, this Court finds that the said three persons i.e. (i) Paramjit Singh Son of Pritem Singh, (ii) Paramjit Singh Son of Fobi Singh and (iii) Baldev Singh Son of Hakam Singh were promoted as Agricultural Sub Inspectors vide order dated 10.11.2010 w.e.f 02.04.1998 in the scale of ₹3020-₹6200 on notional basis. Thus, keeping parity, the petitioners have also been promoted on notional basis w.e.f. 02.04.1998 and actual benefits had been granted to them from the date they have joined the higher post.

4. Learned counsel for the petitioners has relied on a judgment passed by the Division Bench of this Court i.e. **Kanwaljeet Singh** Vs. **State of Haryana**; 2008(4) SCT 326 to contend that the principle of 'no work no pay' would have no application. This Court finds that the aforesaid judgment takes into account the fact that the persons junior to the petitioner therein i.e. from July 2003 were promoted earlier and therefore, the Court directed that the petitioner would be entitled to actual benefits. Thus, the Court maintained parity between the concerned petitioner and his juniors.

5. However, each case has to be examined on its own facts and in the present case, the facts are different. Firstly, this Court finds that the claim

set up by the petitioners for promotion w.e.f 02.04.1998 was only by filing a Writ Petition in this Court in 2014. The promotion on the post of Agricultural Supervisor was done in 2010 and persons junior to him were also given promotion in 2010, however, the promotion was w.e.f. 02.04.1998. To the said extent, relief has already been granted to the petitioners and they have also been promoted w.e.f. 02.04.1998. It is only whether they would be entitled for actual pay since similarly situated other persons were also not given actual benefits, but were given the same only from the date of promotion, the claim on parity is not made out. Otherwise, the principle of ‘no work no pay’ would have application in relation to promotions. Had the petitioner being performing his duties on the higher post, the situation would have been otherwise.

6. Thus, the principle which culls out from the aforesaid is that if a person has been working on a higher post, he would be entitled to actual benefits from the date he was working on the higher post, otherwise, he would be only entitled for notional benefits.

7. The Writ Petition, thus, fails and is accordingly **dismissed.**

8. All pending applications in this Writ Petition stand disposed of accordingly.

January 15, 2024

Ess Kay

[SANJEEV PRAKASH SHARMA]

JUDGE

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No