



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(240)

CWP No. 24820 of 2021
Date of Decision : 16.05.2024

Salochana Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lajpat Rai Sharma, Advocate for
Mr. Vivek Khatri, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

Mr. Divyansh Shukla, Advocate for
Mr. Hitesh Pandit, Advocate for respondents No. 2 to 4.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance of the petitioner is that after the death of her husband, the financial benefits for which the petitioner is entitled for, have not been calculated by the respondents in a manner required and the petitioner is entitled for the said benefits by treating her late husband working as a Class-IV employee rather than a Class-III employee.
2. Certain facts needs to be mentioned for the correct appreciation of the issue in hand.



3. The late husband of the petitioner was appointed as a Chowkidar by the respondents on 17.12.1992 (Annexure P-1). In the year 2015, the late husband of the petitioner was promoted on the post of Clerk with the condition that he is required to pass State Eligibility Test in Computer Appreciation and Application within the time provided in the promotion order dated 19.08.2015, a copy of which has been appended as Annexure P-3. As the husband of the petitioner failed to pass the said type test, the order was passed reverting the late husband of the petitioner from the post of Clerk to that of a Chowkidar.

4. Aggrieved against the said action, the late husband of the petitioner filed CWP No. 26228 of 2017, wherein, reversion order dated 08.11.2017 was stayed and the late husband of the petitioner continued working as a Clerk and unfortunately, while working on the said post of Clerk, he died.

5. After the death of the husband of the petitioner, the respondents calculated the financial benefits by treating the husband of the petitioner as a Class-III employee i.e. on the post of Clerk on which he was working at the time of the death keeping in view the interim order and released all the benefits including the financial assistance.

6. The present petition has been filed that as the late husband of the petitioner was reverted back on the post of Chowkidar on 08.11.2017, which order was only stayed by the Court while passing order in CWP No. 26228 of 2017 but as the said order was not set-aside and the writ



petition became infructuous, the husband of the petitioner be treated as a Class-IV employee so as to grant benefit to the petitioner by treating the service of the late husband of the petitioner upto 60 years by treating him a Class-IV employee.

7. Learned counsel for the respondents, on the other hand, submits that once, under the interim order of the Court, the operation of the order of reversion was stayed and the late husband of the petitioner continued working as a Clerk upto the date of death, the said post has been taken into account for calculating the service benefits, which is perfectly valid and legal and the argument that the late husband of the petitioner be treated as a Class-IV employee, is liable to be rejected.

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

9. Once, it is conceded fact that the order of reversion from the post of Clerk to that of Chowkidar was challenged by the late husband of the petitioner and got an interim order and under the interim order he continued to work as a Clerk and till the death, the husband of the petitioner worked as a Clerk, there is no illegality in treating the late husband of the petitioner as Clerk i.e. a Class-III employee for the purpose of release of the service benefits.

10. The argument of the learned counsel for the petitioner that as the order dated 08.11.2017 by which the late husband of the petitioner was reverted, has never been set-aside and hence, he should be treated as



a Class-IV employee, cannot be accepted. Once, the late husband of the petitioner continued to get higher salary of a Class-III post i.e. Clerk upto the date of his death keeping in view the interim order passed by this Court staying the order of reversion, he has to be treated as a Clerk i.e. Class-III employee i.e. the post on which he was working on the date of death and he cannot be treated as a Class-IV employee so as to claim the financial benefits.

- 11. Keeping in view the above, no ground is made out for any interference by this Court in the present petition.
- 12. Dismissed.

May 16, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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