



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(134)

CWP No. 28412 of 2024
Date of Decision : 21.10.2024

Gian Sagar Educational and Charitable Trust

...Petitioner

Versus

The Presiding Officer, Educational Tribunal, Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nandan Jindal, Advocate with
Mr. Tushar Sabherwal, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 04.07.2024 (Annexure P-3) passed by the Educational Tribunal by which, certain benefits of payment of the salary which is admissible to the respondent No. 2-employee have been allowed in his favour.
2. Learned counsel for the petitioner has raised an argument that though the respondent No. 2-employee was promoted but the said order dated 05.01.2016 was not implemented so as to grant respondent No. 2 the benefit of salary mentioned therein, hence without even adjudicating the said issue, the direction has been given to implement the said order qua the respondent No. 2-employee.
3. I have heard learned counsel for the petitioner and have gone through the record with his able assistance.



4. Once, a particular order under which the benefit of promotion has been granted, has been held to be valid by the Educational Tribunal, the petitioners are liable to implement the said order. It is already come on record that the respondent No. 2-employee was promoted but he was not given the benefit of salary as per the said order of promotion dated 05.01.2016. The Tribunal in its wisdom after appreciating all the facts have granted the benefit of salary as per the order passed by the petitioner.

5. The argument that the said promotion order dated 05.01.2016 was not implemented is of no avail. Once, an order was passed and the same was never withdrawn, the benefits of the said order are to be made admissible to the employee concerned. The argument that the record has been lost, can also not come to the rescue of the petitioner once, the respondent No. 2-employee has already brought on record the said order for the consideration of the Tribunal, which order has been rightly taken into consideration by the Tribunal so as to grant the relief to the respondent No. 2-employee.

6. Learned counsel for the petitioner further submits that the limitation should have been looked into by the Tribunal while passing the order.

7. In the present case, the employee is claiming the benefit under an order of promotion which has been passed by the petitioners. Once, the employee has proved the existence of an order, the respondents cannot deny the benefit accruing to the petitioners on the ground of limitation.

8. No clause prescribing any limitation under the Act to claim the benefit on the basis of the said order passed by petitioners has been brought to the notice of this Court. In the absence of any clause prescribing any time



period to raise the claim, the claim so raised cannot be denied because of the limitation.

9. No ground is made out for any interference by this Court in the present petition.

10. Dismissed.

October 21, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No