



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

(Sr. No. 103)

**LPA No.548 of 2024
Date of decision: 20.09.2024**

Sucha Singh

..... Appellant

Versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Vijay Lath, Advocate for the appellant.

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DEEPAK SIBAL, J. (Oral)

(1) While the appellant served the State of Haryana as a Fitter Helper, through order dated 19.11.2009, he was promoted as a Pipe Fitter Grade-II. Thereafter, he retired from service on 30.10.2012.

(2) On 11.07.2022, a legal notice was got served by the appellant upon the respondents claiming therein fixation of his pension on the basis of emoluments payable to a Pipe Fitter Grade-II. The appellant's claim was denied by the respondents through a response dated 20.07.2022 which was challenged by him through filing of a writ petition which was dismissed by a learned Single Judge of this Court. Such judgment of the learned Single Judge is challenged through the instant intra court appeal.

(3) Learned counsel for the appellant has been heard.

(4) The case set up by the appellant is that while he served the respondents as a Fitter Helper, which is a Class-IV post, through order dated 19.11.2009, he was promoted as a Pipe Fitter Grade-II, which is a Class-III post, but when he retired from service on 30.10.2012, his pensionary benefits which were paid to him, were on the basis of the pay band applicable to the



post of Fitter Helper and not that of a Pipe Fitter Grade-II which inaction on the part of the respondents was arbitrary and thus violative of Article 14 of the Indian Constitution.

(5) It is true that through order dated 19.11.2009 the appellant was promoted as a Pipe Fitter Grade-II but a scrutiny of the record clearly reveals that in pursuance of such order he did not join as a Pipe Fitter Grade-II. Apparently, his non-joining was for the reason that had he joined on the promoted post he would have become a member of the Class-III service, as a result whereof his date of retirement would have reduced from 60 years (as in case of Class-IV employees) to 58 years (in case of Class-III employees). Thus, he continued to serve the respondents as a Fitter Helper and retired from service on attaining the age of 60 years.

(6) No evidence has been produced by the appellant which would reveal that he ever served the respondents as a Pipe Fitter Grade-II. During the course of hearing, we also asked the learned counsel for the appellant to produce any salary slip showing that he had ever been paid the salary applicable to the post of Pipe Fitter Grade-II but to no avail.

(7) In the light of the above, we are convinced that the stand of the respondents to deny the appellant pensionary benefits as claimed by him was justified especially when after his superannuation the appellant had also accepted this position for over a decade.

(8) Dismissed.

(DEEPAK SIBAL)
JUDGE

20.09.2024
sunil yadav

(DEEPAK MANCHANDA)
JUDGE

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