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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.35402 of 2019 (O&M)
Reserved on: 18.07.2024
Pronounced on: 26.07.2024

Baljit Kumar
.....Petitioner
Versus
State of Punjab and another
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Dhiraj Chawla, Advocate
for the petitioner.
Mr. Teevar Sharma, AAG, Punjab.

NAMIT KUMAR J. (Oral)

1. The instant petition has been filed by the petitioner under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the State of Punjab – respondent No.1, to promote the petitioner as Trust Engineer w.e.f. 02.01.2017 i.e. when his juniors were promoted and the petitioner was ignored on account of pending charge-sheet, which has been dropped vide order dated 03.01.2019/09.01.2019 (Annexure P-4), with all consequential benefits.
2. The brief facts of the case as have been pleaded in the present petition are that the petitioner was appointed as Junior Engineer vide order dated 23.10.2000 and he was promoted to the post of Assistant Trust Engineer vide order dated 16.11.2011 (Annexure P-1). In the seniority list of Assistant Trust Engineer, circulated on

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28.12.2016, the name of the petitioner was placed at Serial No.15. The next promotion from the post of Assistant Trust Engineer is to the post of Trust Engineer, which is governed by the Service Rules i.e. “Punjab Trust Service (Recruitment and Conditions of Service) Rules, 2015, which have been further amended vide amendment dated 11.01.2016. Vide order dated 02.01.2017, respondent No.1 promoted 16 Assistant Trust Engineers to the post of Trust Engineers on adhoc basis in the pay-scale of Rs.15600-39100+7600 Grade Pay and some of them were juniors to the petitioner. The name of the petitioner was not considered for the said promotion as charge-sheet was pending against him for dereliction of duties. It was further mentioned in the said order dated 02.01.2017 that if the charge-sheet of any employee is filed or if information is received of any employee, whose name is included in negative list then the junior most promoted officer shall be reverted and the respective senior employee shall be considered for promotion. Thereafter, vide order dated 03.01.2019, having endorsement dated 09.01.2019, the ibid charge-sheet dated 01.10.2015 (Annexure P-4), issued to the petitioner was dropped, however, the said order dropping charge-sheet dated 01.10.2015, was withdrawn by the respondents on 17.03.2020, and vide another order dated 20.07.2020/05.08.2020, the petitioner was exonerated from the charges levelled against him and charge-sheet dated 01.10.2015, issued to him was finally withdrawn. The petitioner was issued another charge-sheet dated 06.07.2017, for dereliction of duties along with various other charges, however, the

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same was withdrawn vide order dated 28.09.2020 (Annexure P-9). Yet another charge-sheet dated 05.07.2018, was issued to the petitioner for dereliction of duties along with various other charges, however, the petitioner was exonerated in the said charge-sheet vide order dated 27.09.2023 (Annexure P-10) and the charge-sheet was filed. In the meanwhile, the said adhoc promotions were regularized by the Department vide order dated 21.06.2022 and since the charge-sheet was pending against the petitioner, therefore, one post was kept vacant for the petitioner. It has further been averred that one Ravinder Kumar, Assistant Trust Engineer having seniority No.19, was also ignored for promotion as Trust Engineer in the promotion order dated 02.01.2017, on account of pendency of charge-sheet, which was subsequently dropped in his case vide order dated 14.02.2017, however, despite that he was not granted promotion to the post of Trust Engineer w.e.f. 02.01.2017, when his junior was promoted, therefore, he filed a petition i.e. CWP No.9050 of 2017, before this Court and vide order dated 01.05.2017, a direction was issued to decide his claim with regard to promotion to the post of Trust Engineer w.e.f. 02.01.2017, on account of his exoneration. Consequently, vide order dated 28.11.2017, he was granted notional promotion to the post of Trust Engineer w.e.f. 02.01.2017. It has further been submitted that Ravinder Kumar is junior to the petitioner as his seniority in the cadre of Assistant Trust Engineer is at Serial No.19 and whereas, the petitioner's seniority is at Serial No.15. Later on, the petitioner was promoted vide order dated

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01.12.2023 and thus, he has filed the present petition claiming promotion to the post of Trust Engineer w.e.f. 02.01.2017 i.e. when persons junior to him were promoted.

3. On issuance of notice of motion, reply by way of affidavit of Manjit Singh, Under Secretary, Government of Punjab, Department of Local Government, Punjab, dated 24.03.2021 on behalf of respondent No.1 has been filed and thereafter, another short reply by way of Rakesh Kumar, Joint Secretary, Government of Punjab, Department of Local Government, Punjab, Chandigarh, dated 01.11.2022 on behalf of respondents No.1 and 2, has been filed vide CM No.8693-CWP of 2021, wherein it has been stated as under:-

“XXXX XXXX XXXX XXXX

5. That it is humbly submitted that as per the aforementioned reasons and on account of all the pending charge sheets against the petitioner, he was not considered for further promotion to the post of Trust Engineer (Ad-hoc). Moreover, the candidates who were promoted were on Ad-hoc basis vide order dated 02.01.2017, it is clear as per the para no.2(s) of promotion order dated 02.01.2017, that the candidates were given an option before joining by the government in which they themselves considered their promotion as temporary and there is no legal authority over the post and the department may terminate the promotion at any time. Moreover, there was a condition of regularization of promotion only after DPC. The petitioner, neither was eligible for DPC on 02.01.2017 nor he is eligible now due to these charge sheets. Because charge sheet at the time of DPC are required to be considered.

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6. That, it is further pertinent to mention here that the department on 19.05.2022 has Conducted DPC & Promoted other person from 21.06.2022. So Claim of Petitioner on the basis of Promotion of Juniors from 12.01.2017 become infructuous. However, due to charge sheet he was not eligible for promotion.

XXXX XXXX XXXX XXXX”

4. Learned counsel for the petitioner inter alia contends that once the charge-sheet dated 01.10.2015, which was issued to the petitioner prior to the promotion of his juniors as Trust Engineers, was dropped vide order dated 05.08.2020, therefore, the petitioner ought to have been promoted w.e.f. 02.01.2017, with all consequential benefits as the petitioner is admittedly senior to some of those promoted persons and hence, entitled to retrospective promotion as Trust Engineer w.e.f. 02.01.2017 on adhoc basis and regular promotion w.e.f. 21.06.2022 with all consequential benefits, including pay fixation and increments as well as seniority in the cadre of Trust Engineer. He submits that subsequent charge-sheets dated 06.07.2017 and 05.07.2018, have no bearing on the promotion made on 02.01.2017 and in any case, the same have already been dropped by respondent No.1, vide orders dated 28.09.2020 and 27.09.2023, therefore, the petitioner cannot be denied the retrospective promotion as Trust Engineer w.e.f. 02.01.2017 on adhoc basis and regular promotion w.e.f. 21.06.2022. In support of the arguments, learned counsel for the petitioner has relied upon the Division Bench judgment passed by this Court in **“Satyavir Singh Shekhawat vs State**

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of Haryana and others”, 2014(4) SCT 233 which is followed in *“Sanjeevan Singh vs State of Punjab and others”*, passed in CWP No.21473 of 2019, decided on 12.03.2024.

5. Per contra, learned State counsel has argued that since on 02.01.2017, the petitioner was under cloud, therefore, he was rightly not considered for promotion and when the charge-sheets pending against the petitioner have been finalized, he has rightly been promoted to the post of Trust Engineer vide order dated 09.12.2023.

6. I have heard learned counsel for the parties and perused the record.

7. The facts are not in dispute that the petitioner was due for promotion to the post of Trust Engineer when persons junior to him were promoted vide order dated 02.01.2017. Perusal of promotion order dated 02.01.2017 shows that Raj Kumar, Seniority No.17, though belonging to Scheduled Caste Category but was promoted on the basis of seniority; Gur Raj Singh, Seniority No.20 (General); Raminderpal Singh, Seniority No.21 (General); Jagdev Singh, Seniority No.22 (General); Deepankar, Seniority No.23 (General) and 03 more candidates belonging to reserved category namely Barjinder Mohan, Seniority No.24, Bikram Singh, Seniority No.25 and Vikram Kumar, Seniority No.26 were promoted to the post of Trust Engineers. Para 2 and 2(e) of the said order, reads as under:-

“XXXX XXXX XXXX XXXX
(2) Sr. No.2, 7, 10, 15, 18 and 19 of Seniority List (Sh. Balwinder Singh, Sh. Narinder Kumar, Sh. Lachhman

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Dass, Sh. Baljeet Kumar, Sh. Amritpal Singh and Sh. Ravinder Kumar) have not been considered as charge-sheets are pending against these employees.”

XXXX XXXX XXXX XXXX XXXX

2(e) if the charge-sheet of any officer is filed or if information is received of any employee, whose name is included in negative list then the junior most promoted officer shall be reverted and the respective senior employee shall be considered for promotion.

XXXX XXXX XXXX XXXX”

8. The charge-sheet dated 01.10.2015, which was pending at the time when persons junior to him were promoted was finally withdrawn by the respondents on 20.07.2020/05.08.2020 (Annexure P-8). Other two subsequent charge-sheets dated 06.07.2017 and 05.07.2018 issued to the petitioner were also withdrawn and he was exonerated vide orders dated 28.09.2020 (Annexure P-9) and 27.09.2023 (Annexure P-10). In the meanwhile, the adhoc promotions of the juniors were made regular vide order dated 21.06.2022 (Annexure P-11). Once the charge-sheet pending against the petitioner dated 01.10.2015, has already been withdrawn by the respondents on 05.08.2020, therefore, the petitioner cannot be denied promotion to the post of Trust Engineer with effect from the date when persons junior to him were promoted i.e. 02.01.2017.
9. Further the petitioner has also been discriminated as one Ravinder Kumar, Assistant Trust Engineer, Seniority No.19, who was junior to the petitioner was also ignored when his juniors were

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promoted vide order dated 02.01.2017, on account of pendency of charge-sheet issued to him which was finally dropped vide order dated 14.02.2017 and since he was not granted promotion to the post of Trust Engineer w.e.f. 02.01.2017 when his junior was promoted, he approached this Court by way of CWP No.9050 of 2017 and the said petition was disposed of vide order dated 01.05.2017, with the following directions:-

“It is contended that the petitioner was senior than the private respondents in the tentative seniority list of Assistant Trust Engineers working in the Town Improvement Trust, Amritsar and his name would be reflected at Sr. No. 19, however, he was not considered for promotion to the post of Trust Engineers on account of a charge-sheet pending against him, in which he has been exonerated. It is contended that after exoneration, he has already represented to the department by a legal notice dated 21.02.2017 (Annexure P-7) for rectification in the seniority list and for promotion, however, to date same is pending consideration. At the present moment, learned counsel appearing on behalf of the petitioner limits his prayer to an early consideration and decision in the legal notice dated 21.02.2017 (Annexure P-7) served by the petitioner upon the respondents.

I have heard learned counsel for the petitioner and without going into the merits of the case, this petition is disposed of with a direction to the respondents to decide the legal notice dated 21.02.2017 (Annexure P-7) served by the petitioner upon the respondents by passing a speaking order in accordance with law within a period of

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two months from the date of receipt of certified copy of this order.”

10. In compliance with the said directions, respondent No.1 considered his claim and granted him promotion on notional basis w.e.f. 02.01.2017, vide order dated 28.11.2017 (Annexure P-7). So far as the subsequent charge-sheets dated 06.07.2017 and 05.07.2018, issued to the petitioner are concerned, they have no consequence to the case of the petitioner as persons junior to him were promoted on 02.01.2017 and he was not given promotion due to pendency of charge-sheet dated 01.10.2015 and further, these charge-sheets have also been withdrawn/dropped subsequently.

11. The Hon’ble Division Bench of this Court in Satyavir Singh Shekhawat’s case (supra), while considering the similar issue has observed as under:-

“9. We find that number of cases are decided by the Apex Court as well as various High Courts and in some cases, relief of arrears of pay is granted, while in some other cases it is denied applying the doctrine of 'No work No pay'. Determination of the circumstances under which an employee should be given the arrears of pay and under what circumstances in which he can be denied this benefit is the task before us which we will endeavour to carry out relying upon the principles laid down in the decided cases.

*10. The first case which needs mention in the chronology of the judgments, we are taking stock of, is the decision of the Supreme Court in **Paluru Ramkrishnaiah & Ors. v. Union of India & Anr. (1989) 2 SCC 541**. The Court in this case held that in case the promotion granted*

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with retrospective effect, back wages for the period for which the person actually did not work in the promotion post is not payable. This view was taken on the basis of the following factual background:-

"16. It may also be noticed that even though the petitioners on their completion of two years' service as Supervisor "A" were not promoted as Chargeman II in or about the year 1966 they chose to wait for about 17 years to file these writ petitions which were filed in 1983, and nearly 2 years even after the decision dated February 2, 1981 in Civil Appeal No.441 of 1981, which indicates that but for the decision in Civil Appeal No.441 of 1981 they would perhaps not have thought of filing these writ petitions inasmuch as in the meantime they had not only been promoted in the normal course as Chargeman II but some of them had been promoted even to higher posts in the hierarchy."

*11. In **Union of India and Ors. v. K.V. Jankiraman & Ors.** 1991(3) S.C.T 317 : (1991) 4 SCC 109, this issue came up for consideration namely whether the Government could deny the benefit of wages for the past period if he was granted promotion subsequently but from back date. Union of India had contended that a person cannot be allowed to draw benefits of a post the duties of which he had not discharged. This contention was negated as not applicable where an employee, who is willing to work, is kept away from work by the authorities for no fault of his. The Supreme Court observed as under:-*

"24. It was further contended on their behalf that the normal rule is "no work no pay". Hence a person cannot be allowed to draw the benefits of a post the duties of which he has not discharged. To allow him to do so

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is against the elementary rule that a person is to be paid only for the work he has done and not for the work he has not done. As against this, it was pointed out on behalf of the concerned employees, that on many occasions even frivolous proceedings are instituted at the instance of interested persons, sometimes with a specific object of denying the promotion due, and the employee concerned is made to suffer both mental agony and privations which are multiplied when he is also placed under suspension, when, therefore, at the end of such sufferings, he comes out with a clean bill, he has to be restored to all the benefits from which he was kept away unjustly.

25. We are not much impressed by the contentions advanced on behalf of the authorities. The normal rule of "no work no pay" is not applicable to cases such as the present one where the employee although he is willing to work is kept away from work by the authorities for no fault of his. This is not a case where the employee remains away from work for his own reasons, although the work is offered to him. It is for this reason that F.R. 17 (1) will also be in applicable to such cases."

*12. Issue again came up for consideration before the Supreme Court in the case of **State of A.P. v. K.V.L. Narasimha Rao & Ors., 1999(2) S.C.T. 684 : (1999) 4 SCC 181**. In this case also the court held that back wages are normally to be allowed in case of retrospective promotion. However, in the said case, the Court denied the benefit to the employee noting down the peculiar facts of this case in the following terms:-*

"5. In normal circumstances when the retrospective promotions are effected all benefits flowing therefrom, including

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monetary benefits, must be extended to an officer who has been denied promotion earlier. However, on the reorganisation of States a large number of officers stood allotted from different States to the newly-formed State and their services had to be integrated on various principles and several agencies were involved in the same. The steps to be taken thereto were one of formulation of principles, publication of a provisional inter-State seniority list, inviting objections thereto, consideration of those objections in consultation with the Central Government and acting upon its directions to bring the seniority list in conformity with such directions. This entire exercise involved a good deal of time and gave rise to an extraordinary situation. It is in those circumstances that the rules contained in Fundamental Rule 26 or Rule 40 of the Hyderabad Civil Services Regulations have been framed. As a matter of fact, rules of the erstwhile State regarding seniority are not applicable in the new State as the allottees are governed by the Act and seniority is finalised therein. Even so, we do not see that there is any impediment to frame new rules affecting conditions of service of such allottees but in conformity with the Act. Surely new rules cannot be brushed aside by saying that they are not applicable to cases coming under the Act. There is no contention either in the High Court or before us that they are framed in contravention of the Act. In this background, we fail to see as to why the rules are not applicable to the respondents as held by the High Court."

*13. Another judgment which needs to be mentioned is in the case of **State of Haryana & Ors. v. O.P. Gupta & Ors., (1996) 7 SCC 533**. The controversy involved in the*

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*said case was whether the employees were entitled to arrears of salary for the period for which they had admittedly not worked, but had been given notional promotion from the deemed date. The matter related to a seniority dispute where fresh seniority list was directed to be prepared in accordance with rules ignoring any inconsistent administrative instructions. The Supreme Court held that entitlement of the employees to work arose only when they were promoted in accordance with rules and the preparation of seniority list was a condition precedent for the exercise. The employees could not be posted in the promotional post till the exercise was carried out and thus, their plea that they were willing to work had no legal foundation. The Court, thus, did not give these employees benefit of arrears of salary for the period they had not worked. The case of **K.V. Jankiraman (supra)** was discussed and distinguished. We may, for our purpose, take note of the following observations in the said judgment:-*

"5. Shri Gupta, learned counsel appearing for the State, contended that the State was prepared to comply with the direction issued by the High Court in the first instance for the preparation of the seniority list but the rival candidates who claimed inter se seniority over the others approached the Division Bench and also this Court for relief; since, ultimately, this Court has decided that seniority has to be prepared strictly in accordance with Rule 9 of the Rules, on receipt thereof, the Government has complied with the conditions of the preparation of the seniority list. Accordingly, they have been given the promotion with the deemed dates, though there was no specific direction in that behalf. Others who had joined the service have not claimed, except the respondents, but

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some of them were not even parties to the earlier writ proceedings or to the appeal in this Court and consequently, they are not entitled to the arrears. It is contended by Shri S.M. Hooda, learned counsel appearing for the respondents that the respondents were willing to work in the respective posts but they were not given the same. To avoid their entitlement, a seniority list was wrongly prepared denying them their entitlement to work in the promotional post; consequently, the respondents are entitled to the arrears of salary and the High Court was right in granting the same."

14. We may also refer to two more judgments having some relevance. These cases are:-

- 1. Union of India & Ors. v. Rejinder Singh Rawat,(1999) 9 SCC 173.**
- 2. State of Uttaranchal and Another v. Dinesh Kumar Sharma, 2007(1) S.C.T. 393 : 2007 1 SCC 683.**

*In the first case mentioned above, namely, **Rejender Singh Rawat (supra)**, the Court granted the relief in the following context:-*

"2. The short question that arises for consideration is whether the High Court was justified in granting relief of payment of back wages to the respondent for the period he has not actually served. There is no dispute that the respondent's case was omitted from consideration on the ground that his chest was short by 2 cm. and as such he did not have the necessary physical standard, but, similar departmental candidates were considered and got the relief. The respondent' case was, therefore, appropriately considered by the appropriate authority and by letter dated 21-12-1995, it was conveyed that the respondent

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would be entitled to the rank of Assistant Sub-Inspector (Clerk/Typist) from 3-8-1992 the date on which panel of 1992 was released, with the further direction that his seniority would be protected on a notional basis, but he would not be entitled to any pay and allowances of Assistant Sub-Inspector (Clerk/Typist) for the back period and would be entitled to the same only from the date he assumes the charge physically.

3. In the teeth of the aforesaid order, the High Court was not justified in granting the payment of back wages for the period for which the appellant has not actually assumed the charge. In the aforesaid premises, we set aside the impugned order of the High Court and allow this appeal. There shall be no order as to costs."

*15. In **Dinesh Kumar Sharma (supra)**, the Supreme Court was concerned with the issue for consideration as to whether seniority should be given to incumbents from the date when promotional fell vacant or from the date of his substantive appointment to the said vacant post. The Court held that the seniority could not be given retrospectively from the date of occurrence of vacancy. This case, therefore, would not provide much assistance in dealing with the issue at hand.*

16. We find from the aforesaid discussion that at times Supreme Court has granted the relief whereas on some other occasions, the arrears of salary for the period prior to the date of actual assumption of promotional post are denied. However, a closure scrutiny of the facts in each case would clearly reveal a discerning trend and there is no contradiction as far as principle of law laid down in various judgments is concerned.

17. The principle which can be deduced is that if a

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*promotion is denied to an employee because of the mistake of the administration and due to no fault of the said employee, then the authorities are bound to pay the arrears of salary etc. upon giving him the benefit of retrospective promotion after realising that mistake. This principle would be extended even to those cases where due to sheer negligence, carelessness or on account of malafides an employer denies the benefit of promotion to the employee at a proper time when it becomes due and gives him afterwards though retrospectively. (Also see **State of Kerala and Others v. E.K. Bhaskaran Pillai, JT 2007 (6) SC 83; Mohd. Ahmed v. Nizam Sugar Factory and Others – (2004) 11 SCC 210; Nalini Kant Sinha v. State of Bihar and Others – 1993 Supp (4) SCC 748.** On the other hand, where there is genuine dispute and the promotion was delayed because of pendency of such a dispute and before the settlement of the dispute the promotion could not have been granted, the salary for the past period can be denied even when promotion is given retrospectively after the resolution of the dispute. Further the benefit of arrears of salary for past period can also be denied if it is found that it was not fault or mistake of the administration because of which the promotion was delayed.*

18. In those cases where concerned employees seniors as well as juniors are granted the benefit of promotion and the salary for the period in question, same should invariably be given to such an employee who is given belated promotion retrospectively as non grant of arrears of pay and allowances of the higher post for the relevant period, in such circumstances, would amount to hostile discrimination.

19. Keeping in view the principles we have

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*formulated above which are culled out above from the catena of judgments, we have to find the outcome to the present case. The facts of the case have already been noticed above. It is clear there from that the appellant was not promoted earlier, when his juniors were promoted because of the departmental enquiries pending against him. No doubt, these enquiry proceedings have been dropped on the ground of delay. We were shown the original record containing this decision. The reason given is that there is a 14 years delay in conducting the enquiry which would act to the prejudice of the appellant if the inquiries continue. Once that fact is accepted by the Department itself and on that basis the enquiries were dropped, the net effect thereof would be that the appellant was exonerated of the charges. As no penalty has emanated from these charge-sheets, it is for this reason the respondents have themselves given him the promotion from back date. In such circumstances, denial of actual salary and grant of only deemed promotion on the principle of 'no work no pay' may not be appropriate. Admittedly, the juniors who were granted the benefit of promotion received the salary and if the appellant is deprived thereof, it would amount to hostile discrimination qua him. We are, therefore, of the opinion that the principle of 'no work no pay' cannot be made applicable in the instant case and the appellant would be entitled to salary. There is a Division Bench judgment of this Court in case **Vidya Parkash Harnal v. State of Haryana 1995(3) S.C.T. 785** which is squarely applicable in the present case. The Court negated the argument predicated on the basis of principle of 'no work no pay' which is to the following effect:-*

"7. Similarly, the argument that the

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petitioner was not entitled to the grant of emoluments on the principle of 'No work No pay' is apparently mis-conceived and based upon wrong notions of law. If a civil servant is not offered the work to which he was legally entitled, he cannot be deprived of the wages for the post to which he subsequently is held entitled to. Permitting such a course to be adopted would be encouraging the imposition of double penalty, that is, firstly by declining the civil servant his right of promotion and secondly by depriving him of the emoluments to which he would have been entitled to upon promotion which subsequently is considered in his favour. Deprivation to work against the post to which a civil servant is entitled on promotion is always at the risk and responsibility of the State and cannot be made a basis for depriving such a civil servant of the emoluments to which he was entitled, had he been promoted in accordance with the rules at the time when he became eligible for such promotion. The Courts cannot ignore the magnitude of the sufferings and the pains to which a civil servant is subjected on account of deprivation of the monetary benefits particularly in this age of skyrocketing prices and non availability of essential requirements of livelihood. The Court cannot shut its eyes and forget the holocaust of economic deprivation to the petitioner and his dependants. Such a deprivation might have upset the career of the dependants, depriving the society of the services of such youth and budding dependants or children of the petitioner. The executive once being satisfied that a civil servant was entitled to the promotion with retrospective effect cannot deprive him of the benefits of salary accruing on account of such promotion from an early date without assigning valid, cogent and

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specific reasons. The order impugned in this case by which the petitioner/appellant was deprived of his right to claim back wages is admittedly non-speaking without assigning any justification or cogent and specific reasons."

We thus allow this appeal and set aside the impugned order. Accordingly, the writ petition filed by the petitioner stands allowed. As a consequence, the appellant shall be entitled to the arrears of pay and allowances as well from 05.07.1994 to 31.01.2006 as Divisional Employment Officer and from 01.02.2006 to 09.04.2008 as Deputy Director (Employment). The arrears shall be calculated and paid to him within a period of one month from today."

12. The aforesaid judgment has been followed by this Court in Sanjeevan Singh's case (supra).

13. Applying the abovesaid principle to the present case, the petitioner cannot be denied the same benefits as has been meted out to his juniors and consequently, he is entitled to be treated at par with his junior namely Raj Kumar, Seniority No.17, though belonging to Scheduled Caste Category, however, promoted as Trust Engineer on the basis of seniority.

14. In view of what has been discussed hereinbefore, the present petition is allowed and the respondents are directed to grant promotion to the petitioner w.e.f. 02.01.2017, as Trust Engineer (adhoc) and with effect from 21.06.2022 on regular basis, when persons junior to him were promoted, with all consequential benefits including pay



fixation, increments, seniority in the cadre of Trust Engineer, etc. The necessary benefits shall be calculated and released to the petitioner within a period of 03 months from the date of receipt of certified copy of this order.

26.07.2024		(NAMIT KUMAR)
<i>yakub</i>		JUDGE
	Whether speaking/reasoned:	Yes/No
	Whether reportable:	Yes/No