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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-324-2024

Date of Decision:09.01.2024

Yashpaul Singh

. . . . Petitioner

Vs.

State of Punjab and another

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Madhav Pokhrel, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this writ petition is claiming salary for the post of District Sainik Welfare Officer equivalent to that of the last pay drawn of Colonel/Lieutenant Colonel as the post is meant to be filled by an Ex-Lieutenant Colonel or Colonel, whereas the petitioner was an ex-Major from the armed forces.
2. Learned counsel submits that the pay of the petitioner was fixed as the last pay drawn on the rank of Major, but since the post is meant to be filled of that of the rank of Lieutenant Colonel or Colonel, his pay should have been fixed as being last pay drawn of Lieutenant Colonel, and therefore his pay should be enhanced and his pension and retiral benefits should also be enhanced accordingly. The petitioner has retired from the post of District Sainik Welfare Officer on 29.02.2020.
3. I have considered the submissions.
4. This Court finds that the post of District Sainik Welfare Officer is a Group B (Class-II) post, and as per the provisions of the Rules, the petitioner could not have been appointed on the said post as he was

holding the post of Major. Since he has already retired, his appointment need not be disturbed. However, the claim of the petitioner for higher pay equivalent to the last pay drawn of Lieutenant Colonel cannot be granted as he was never promoted as a Lieutenant Colonel.

5. The writ petition is wholly misconceived and is accordingly *dismissed*.

(SANJEEV PRAKASH SHARMA)
JUDGE

January 09, 2024
Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |