



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

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CWP-2098-2021

Date of decision: 17.02.2025

Kuldeep Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. C.M. Munjal, Advocate
for the petitioners.
Mr. Satnam Preet Singh, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for quashing the order dated 08.12.2020 passed by respondent No.2 rejecting the representation for grant of the benefits of the higher post.

2. Though the petitioners were eligible for promotion to the post of Tehsildar, being also the senior most Naib Tehildars, however, no DPC having been held for the same, they were given only the officiating charge of the said post but no remuneration for performing work thereon, reliance in this regard placed on the Rule 4.22 of the Punjab Civil Services Rules Vol. I Part-I, which reads thus:-

“4.22A Competent authority may appoint one Government Employee to hold substantively, as a temporary measure, or to officiate in, two or more independent posts at one time. In such cases his pay is regulated as follows:-

(a) The highest pay, to which he would be entitled if his appointment to one of the posts stood alone, may be drawn on account of his tenure of that post;”

3. Dictum in **State of Punjab vs. B.K. Dhir**¹, is intrinsically applicable to the present facts inasmuch as, the respondent therein was not paid the salary while having made to officiate on a higher post, wherein



Hon’ble the Supreme Court while affirming the order of the High Court observed that it was incumbent upon the Department to pay him accordingly, despite there being a condition imposed in the order that he would do so without any extra emoluments.

4. An employee is appointed to a post with greater responsibilities than the substantive role, they are entitled to the salary of the higher position was held by the Full Bench in **Subhash Chander vs. State of Haryana and others²**, despite a contrary stipulation in the order granting the same.

5. In **State of Haryana and another vs Pardeep Narayan, LPA-1629-2023** decided on 06.11.2023, to which there was no further challenge, the decision of the writ Court was affirmed and the respondents, who had rendered work on current duty charge basis on higher posts, were held entitled to salaries along with arrears, corresponding thereto by observing that the condition imposed in the order assigning duty to be without salary for said post must be condemned and deemed unenforceable, it being exploitative and unilaterally imposed by the dominant position of the State.

6. The contention of the learned State counsel that only if the petitioners had worked on the higher post on additional charge basis and not as CDC, would they have been entitled to the claim as raised cannot be countenanced as there can be no distinction drawn on that basis in view of the dictum of law referred to hereinabove and thus, the present petition is disposed of in terms of **Pardeep Narayan** (supra).

(AMAN CHAUDHARY)
JUDGE

17.02.2025
Hemant

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