

2025:PHHC:016979-DB



**108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**LPA-286-2025 (O&M)
Date of Decision: January 31, 2025**

State of Punjab and anotherAppellants

Versus

Rakesh Kumar and another Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: Mr. R.S. Pandher, Sr. DAG, Punjab.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 04.07.2023 passed by learned Single Bench whereby CWP-26125-2016 filed by respondent No. 1 (writ petitioner) has been allowed.

2. Respondent No.1 (writ petitioner) filed CWP-26125-2016 seeking direction to the Department to refix his pay at par with his junior by stepping up his pay. During pendency of writ petition, claim of writ petitioner for entitlement of stepping up of pay was accepted vide order dated 16.04.2018 wherein it is mentioned that approval is granted to fix the pay of the writ petitioner at par with his junior employee w.e.f. 01.04.2010. It is to be noted that though said order was passed holding the writ petitioner entitled to

stepping up of pay from 01.04.2010, actual benefit was released only w.e.f. 27.07.2018. In this factual scenario, learned Single Bench on considering the facts and circumstances held the writ petitioner entitled to arrears of pay w.e.f. 01.04.2010 upto 27.07.2018. It was so ordered alongwith simple interest at the rate of 6% per annum.

3. Learned counsel for appellant – State has made a valiant effort to argue that impugned order 04.07.2023 should be set aside and that writ petitioner is not entitled to arrears as has been directed by the learned Single Bench and it is only notional benefits which he is entitled to. It is further submitted that delay in filing the appeal occurred as two divergent views regarding filing of appeal were expressed by the office of Advocate General. He has referred to movement of file as detailed in application seeking condonation of delay. It is, thus, prayed that this appeal be allowed.

4. We heard learned counsel for appellant and have gone through the file with his able assistance. However, we do not find any ground whatsoever to cause interference in this matter.

5. Concededly, appellant has accepted entitlement of writ petitioner to stepping up of his pay. Once that be so, writ petitioner is necessarily entitled for actual benefits from the date his junior was afforded the higher pay. Therefore, it has been rightly directed by learned Single Bench that writ petitioner is entitled to arrears of pay w.e.f. 01.04.2010 till 27.07.2018 with simple interest thereon. We further take note of the fact that no plausible or sufficient reason has been set forth for huge delay of 535 days in filing of this appeal.

6. Keeping in view the facts and circumstances as above, this appeal is dismissed on merits as well as being time barred.

(LISA GILL)
JUDGE

January 31, 2025
Rts

(DEEPAK GUPTA)
JUDGE

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