

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

2025:PHHC:048109



CWP No.13454-1997(O&M)

Date of Decision: 08.04.2025

Sohan Lal and another

....Petitioners

vs.

Haryana Urban Development Authority, Panchkula and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Mahabir Singh Tanwar, Advocate for
Mr. A.S.Tewatia, Advocate
for the petitioners
Mr. Arvind Seth, Advocate
for the respondents

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondents to regularise them as Clerk-cum-typist instead of Chowkidar.
2. The petitioners are claiming that they were regularised by order dated 22.05.1997 (Annexure P-7 and P-8) as Field Chowkidar/Sanitary Supervisor i.e. Class IV post.
3. Mr. Mahabir Singh Tanwar, Advocate during the course of hearing submits that petitioners even after their regularisation have worked as Class III employees but were paid as Class IV employees. As they have worked as Class III employees, they were arbitrarily and unreasonably paid salary of Class IV employees.

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4. Mr. Arvind Seth, Advocate submits that as per office order dated 09.09.2011, the petitioners were promoted from Class IV to Class III, thus, after promotion they were paid salary of Class III.

5. From the perusal of record, it is evident that petitioners were regularised as Class IV in 1997 and they were promoted as Class III with effect from 09.09.2011. They are claiming that they have actually worked as Clerk during 1997 to 2011, thus, they are entitled to salary of Clerk for the said period.

6. There is substance in the arguments of the petitioners. If they have actually worked as Clerk during 1997 to 2011, they are entitled to salary of Clerk for the said period, however, there is no evidence on record disclosing that they have actually worked as Clerk during the said period. Accordingly, the petition stands disposed of with liberty to petitioners to submit evidence to the competent authority in support of their claim that they have actually worked as Class III during 1997 to 2011. The competent authority would consider their evidence and pass an appropriate order. If the said authority comes to a conclusion that petitioners have actually worked as Class III during 1997 to 2011, they would be paid salary as payable to Clerk during the said period. It is made clear that arrears, if any, would not carry interest. The revised salary, if any, shall not affect salary post 09.09.2011 i.e. date of their promotion.

7. Pending Misc. application(s), if any, shall stand disposed of.

08.04.2025
paramjit

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned:	Yes	
Whether reportable:		No