

2025:PHHC:060435



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

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**CWP-3512-2022 (O&M).
Date of Decision: 07.05.2025.**

RAM PHAL

... Petitioner(s)

Versus

THE STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Vivek Singla, Advocate,
for the petitioner.

Mr. Rahul Dev, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

By way of present writ petition, the petitioner prays for fixation of his pay at par with Rajinder Kumar, who is junior to him.

2 Learned counsel appearing on behalf of the petitioner contends that the petitioner joined the respondent as Beldar on 27.03.1982 and was thereafter promoted as Water Pump Operator- II w.e.f. 25.04.2013. He contends that the salary being paid to the petitioner is less than his junior and that on the same coming to his knowledge, the petitioner has filed the instant writ petition seeking fixation of his pay at par with what is being paid to his junior.

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3 A reply has been filed through the Public Health Engineering Division, Narwana, wherein it has been averred that as per the service record, punishment of stoppage of four increments with future effect was imposed upon the petitioner vide office order No.8355 dated 24.11.1998 and an entry in this regard was made in his service book. It was on the said account that the salary of the petitioner is less than his junior. The order of imposing major penalty of stoppage of four increments with cumulative effect was never challenged and has become final. It has also been averred that personal file/service record of the petitioner is not traceable in the respondent-Department other than the service book, hence, the other particulars cannot be furnished.

4 Even though counsel for the petitioner contends that in the absence of the personal file, the contentions/defence of the respondent-Department cannot be accepted at this stage considering that the service book is maintained in the normal course of business and an entry made thereunder would have been on the basis of contemporaneous documents, however, the instant writ petition has been filed after a period of nearly 24 years of passing of the order and as such, the stand of the respondents cannot be said to be fully improbable. Besides this, there is no allegation of any malice or mischief. The petition thus raises a disputed question of fact as to whether the punishment was ever imposed on the petitioner and as to what benefits can be extended to the petitioner on account of documents not being traceable.

5 Faced with the above, learned counsel for the petitioner contends that he may be permitted to withdraw the instant writ petition with liberty to take recourse to the alternative remedies available to the petitioner in accordance with law.

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6 The aforesaid prayer is not opposed to by the learned State counsel.

7 The present writ petition is accordingly disposed of as withdrawn
with liberties as aforesaid.

May 07, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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