

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

2025:PHHC:000909



CWP No.16341 of 1998

Date of Decision: 08.01.2025

DAVENDER KUMAR AGGARWAL

....Petitioner

VS.

HARYANA VIDYUT PARSARAN NIGAM LIMITED AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Naveen Daryal, Advocate
for the petitioner

Mr. R.D.Bawa, Advocate
Mr. Samuel Gill, Advocate and
Mr. Randhir Bawa, Advocate
for the respondents

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 02.01.1998 whereby he has been denied benefit of arrears of pay and allowances from the deemed date of promotion to the actual date of joining.

2. The petitioner was part of respondent-Haryana Vidyut Parsaran Nigam Limited. The respondent vide Memo dated 17.08.1983 prepared seniority list wherein he was shown at Sr. No. 23. At that point of time, a charge sheet was pending against him which was withdrawn on 26.07.1988, however, he was warned to be careful in future. The petitioner was entitled to promotion despite warning, however, he was not promoted though his juniors were promoted. He made repeated representations and respondent



vide order dated 02.01.1998 promoted him with effect from 06.02.1986 and granted benefit of pay protection, however, arrears of pay and allowances were not ordered to be paid.

3. Mr. Naveen Daryal, Advocate submits that Charge Sheet was dropped in 1988 and petitioner was entitled to promotion in 1988 itself, however, order of promotion was passed in 1998. On account of delayed order, he was deprived from higher salary which was payable on a promotional post.

4. Per contra, Mr. R.D.Bawa, Advocate submits that Charge Sheet was dropped, however, he was warned to be careful in future, thus, he was not promoted.

4.1 On being asked, Mr. Bawa confirms that as soon as Charge Sheet was dropped, the petitioner was eligible for promotion.

5. I have heard counsel for the parties and perused the paper book with their able assistance.

6. In view of the arguments of both sides and from the perusal of record, it is evident that petitioner was eligible for promotion with effect from 06.02.1986 and order of promotion was required to be passed as soon as Charge Sheet was dropped in July'1988. Order of promotion was passed on 02.01.1998. There was no lapse on the part of petitioner still he was deprived from monetary benefits accrued to a promotional post. He has been extended benefit of pay protection, notional increments and seniority, however, he has been denied arrears of pay and allowances. The petitioner is entitled to arrears of pay and allowances from the deemed date of promotion.



7. In the wake of above discussion and findings, the impugned order is modified to the extent petitioner has been denied benefit of arrears of pay and allowances.
8. Let the needful be done within three months from today. It is made clear that petitioner shall not be entitled to interest on arrears.
9. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

08.01.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No