

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

2025.PHHC.026290



**CWP No. 757 of 1998 (O&M)
Date of Decision: 24.02.2025**

Kirat Dabas

....Petitioner

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ashok Sharma Nabhewala, Advocate and
Ms. Gauri Sharma, Advocate
for the petitioner

Mr. Raman Sharma, Addl. A.G., Haryana

Mr. Pankaj Gupta, Advocate and
Mr. Vaibhav Gupta, Advocate
for respondent No. 2

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 14.01.1998 (Annexure P-8) whereby respondent No. 3 was promoted to the post of Accounts Assistant in the pay scale of Rs. 1400-1600-2600.

2. The petitioner claims that respondent No. 3 joined the Haryana State Electronics Development Corporation Limited, Chandigarh (in short “organisation”) in 1983 in the administrative cadre as Receptionist. She was promoted on 14.04.1990 as Senior Clerk. She was further promoted to the



post of Accounts Assistant by impugned order on 14.01.1998. The petitioner joined the organisation as Clerk on 02.03.1988 and he was promoted as Senior Clerk on 18.03.1991. He was a Commerce Graduate whereas respondent No. 3 was Matriculate still she was promoted to the post of Accounts Assistant. The petitioner was a part of clerical cadre in Accounts Division whereas respondent No. 3 was from administrative cadre. The discrimination is writ large.

3. *Per contra*, Mr. Pankaj Gupta, Advocate submits that employees of the organisation are not entitled to pension. The petitioner as well as respondent No. 3 has already retired on attaining the age of superannuation.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. The instant petition was filed in 1998 and impugned order was also passed in January'1998. No stay was granted in favour of the petitioner. Respondent No. 3 and petitioner have retired on attaining the age of superannuation. None of them is entitled to pension. The petitioner was promoted to the claimed post on 27.07.1999 and respondent No. 3 was promoted on 14.01.1998. It means there is gap of about one and a half year in the date of promotion of petitioner and respondent No. 3.

6. Supreme Court recently in **Government of West Bengal & ors. Vs. Dr. Amal Satpathi & Ors., 2024 SCC OnLine SC 3512** has held that an employee is not entitled to salary of the promotional post if he has not occupied said post. The petitioner, at the most, could be promoted with effect from 14.01.1998 whereas he was promoted with effect from



27.07.1999 and his promotion took place during the pendency of instant petition.

7. In the wake of afore-stated changed fact and circumstances, this Court does not find it appropriate to set aside the impugned order and direct the respondents to promote the petitioner with effect from the date respondent No. 3 was promoted as Accounts Assistant.

8. Disposed of.

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

(JAGMOHAN BANSAL)
JUDGE

24.02.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No