



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CWP-24763-2017

Date of Decision:04.11.2025

MOHINDER SINGH

....Petitioner

Versus

STATE OF HARYANA AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Surinder Gandhi, Advocate for the petitioner.

Mr. Ravi Partap Singh, DAG, Haryana.

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 22.06.2017 whereby respondent has rejected his claim for arrears.

2. This is second round of litigation. The petitioner on the earlier occasion preferred CWP-1383 of 1996 which was disposed of vide order dated 23.03.2017. Order dated 23.03.2017 being a short order is reproduced below *in toto*:-

“Pursuant to earlier order dated 15.3.2017, Mr. Subhash Yadav, IGP alongwith his staff is present in Court. They are not able to assist this Court in respect of consequential order passed pursuant to the retrospective promotion given to the petitioner to the cadre of Head Constable, Assistant Sub Inspector and Sub Inspector on 31.1.1989, 16.1.1997 and 10.8.2006 respectively. Such a promotion has been granted vide order dated 1.4.1998 and consequential order. They are not in a position to apprise this Court relating to payment of arrears and difference of pay of the petitioner.



Accordingly, concerned respondent is directed to calculate the difference of pay to be paid to the petitioner within a period of three months from today.

With the above observation, petition stands disposed of.

Since no one is present on behalf of the petitioner, cost of Rs.10,000/- imposed vide order dated 15.3.2017 shall be remitted to the Haryana Legal Services Authority within a period of two weeks.”

3. Pursuant to aforesaid order, the respondent passed impugned order dated 22.06.2017. The relevant extracts of the order dated 22.06.2017 read as under:-

“2. In compliance of the above orders of the Hon'ble High Court, case of the petitioner has been examined. The petitioner was given deemed date of confirmation in the rank of Head Constable w.e.f. 31.08.88 instead of 31.01.1989 vide this office memo. No. 4822/A-2 dated 01.04.1998. Due to this ante dated confirmation in the rank of Head Constable no arrear of pay to the petitioner had arisen.

As increase in the basic pay was not linked to the ante dated confirmation. Further the petitioner was granted deemed date promotion to the rank of Assistant Sub Inspector w.e.f. 16.01.1997 and confirmed in the rank of Assistant Sub Inspector w.e.f. 31.01.2000 vide this office memo. No. 7842/A-1 dated 29.05.2000. Before the promotion to the rank of Assistant Sub Inspector w.e.f. 16.01.1997, the petitioner was already granted higher pay scale of Rs. 5000-150- 7100-EB-150-7850 w.e.f.



01.01.1996 which was higher than the pay scale of officiating Assistant Sub Inspector. Therefore, the pay of the petitioner was not required to re-fixed in the rank of Assistant Sub Inspector because he was already drawing his pay in the higher pay scale to the post of Assistant Sub Inspector. In this way the question of arrear of pay to the petitioner did not arise on his promotion as Assistant Sub Inspector.

3. Thereafter the petitioner was promoted as Sub Inspector w.e.f. 10.08.2006 as per his seniority in the rank of Assistant Sub Inspector. On his promotion as sub Inspector his pay was re-fixed on 10.08.2006 by granting him grade pay Rs. 3600/- totaling to his basic pay of Rs. 14220+3600= 17820/- PM the petitioner was drawing his basic pay Rs. 17820/- PM w.e.f. 10.08.2006 the date of promotion as SubInspector. Hence question of arrear of pay in the rank of Sub Inspector did not arise.

In view of above, the petitioner has already been found paid correctly, no arrear of pay work out which is required to be paid to the petitioner. The order is passed accordingly. A copy of this order may also be delivered to the petitioner (Retd. SI Mohinder Singh No. 28/RR) under proper receipt.”

4. Learned counsel for the petitioner submits that respondent has not passed speaking order. Case of petitioner has not been considered in the light of his juniors. The respondent further did not produce relevant record while adjudication of CWP-1383-1996. The petitioner is seeking



information under RTI, however, respondent is not responding.

5. Learned counsel for the respondent submits that impugned order is self speaking.

6. From the perusal of records and the arguments of petitioner, it is evident that petitioner is claiming arrears on account of promotion from retrospective fact. The petitioner was granted deemed date of promotion as ASI w.e.f 16.01.1997 and was confirmed in the said rank w.e.f 31.01.2000. He was further granted promotion as Sub-Inspector w.e.f. 10.08.2006. Said promotion was also granted with retrospective fact. The petitioner was getting higher pay scale w.e.f. 01.01.1996, thus, there was no question of arrears on account of his deemed date of promotion as ASI. Similarly, he was getting higher pay scale w.e.f. 10.08.2006, thus, there was no question of higher scale on account of deemed date of promotion as Sub-Inspector. The petitioner on account of one or another reason was getting higher pay scale prior to his promotion from retrospective date. Thus, there was no question of arrears. This Court does not find any infirmity in the impugned order.

7. The petitioner has not placed on record evidence of higher salary of juniors. The petitioner could claim salary as per his entitlement. The respondent has considered his salary as well as arrears. In the absence of any concrete evidence to the effect that juniors were getting higher salary during the relevant period, this Court cannot interfere. Higher salary of juniors is a totally different aspect from deemed date of promotion. Deemed date of promotion has no concern with higher salary of juniors.

8. Dismissed with liberty to petitioner to move an appropriate application before Competent Authority within six months from today, if he is able to produce evidence that juniors had received higher salary than him.



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

04.11.2025
mahima

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No