

2025:PHHC:130994



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CWP-26007-2021(O&M)
DECIDED ON:12.09.2025

KAILASH CHANDER

...PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kuldeep Sheoran, Advocate
for the petitioner
Mr. R.D. Sharma, DAG, Haryana

SANDEEP MOUDGIL, J

1. Prayer

The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuance of a writ in the nature of *Certiorari* for quashing the impugned order dated 05.03.2020 (Annexure P-9) vide which respondents have rejected the claim of the petitioner for stepping up of his pay at par with his junior Scheduled Caste category employee namely Raghubir Singh qua the post of Revenue Clerk and Zilledar with a further prayer to issue directions to the respondents to fix the pay of the petitioner (Senior General Employee) by stepping up his pay at par with the pay of Sh. Raghubir Singh (Junior Schedule Caste Category Employee) on the post of Zilledar, in view of 'catch-up rule', with all consequential benefits including 18% interest on arrears.

2. **Brief Facts**

The petitioner, a general category employee, was initially appointed as Irrigation Booking Clerk/Canal Patwari on 18.09.1974 and subsequently promoted as Assistant Revenue Clerk in 1979, as Revenue Clerk in 1996, and as Zilledar in 2010.

Another employee, Sh. Raghubir Singh, belonging to the Scheduled Caste category, entered service later on 18.11.1974 but was promoted earlier on account of reservation, and reached the posts of Assistant Revenue Clerk in 1979, Revenue Clerk in 1982, and Zilledar in 1992. Both the petitioner and Sh. Raghubir Singh ultimately retired as Zilledars in 2012.

Relying upon the principle laid down in *Ajit Singh Janjua v. State of Punjab 1996(2) SCT 278*, and the decision of this Court in *Charan Dass v. State of Haryana CWP No. 13889 of 2006*, followed by Government instructions dated 05.03.2009, the petitioner represented for stepping up of his pay at par with his junior on the ground that he had caught up with him on the post of Zilledar.

The petitioner's claim was, however, rejected vide order dated 05.03.2020 (Annexure P-9), primarily on the ground that he had not regained his seniority as Revenue Clerk over and above Sh. Raghubir Singh, and that no seniority list of Zilledars had been prepared. Aggrieved thereby, the petitioner has approached this Court. Hence, this petition.

3. **Contentions** **On behalf of Petitioner**

Learned counsel for the petitioner contends that the petitioner, though initially senior, was superseded in earlier promotions owing to reservation policy. However, once both the petitioner and his junior Sh.

Raghubir Singh reached the same post of Zilledar in 2010, the principle of “catch-up rule” became applicable.

It is further argued that under the law declared by the Supreme Court in *Ajit Singh Janjua v. State of Punjab (supra)* and this court in *Charan Dass v. State of Haryana (supra)*, as well as Government instructions dated 05.03.2009 issued subsequent to the same, a senior general category employee is entitled to stepping up of pay at par with his junior from the reserved category, once they occupy the same post. The denial of such benefit, according to the petitioner, is discriminatory and violative of Articles 14 and 16 of the Constitution of India. Thus, the order dated 05.03.2020 (Annexure P-9) rejecting his claim is, therefore, liable to be set aside.

On behalf of Respondents

Per contra, learned State counsel submits that the petitioner cannot claim parity with Sh. Raghubir Singh since, after his promotion to the post of Revenue Clerk in 1982, Sh. Raghubir Singh remained senior to the petitioner in the service hierarchy. It is argued that the petitioner never regained his seniority as Revenue Clerk over Sh. Raghubir Singh, and, therefore, the benefit of the “catch-up rule” is not available. The respondents further submit that no seniority list of Zilledars was prepared, and in absence of such seniority determination, the petitioner’s claim of stepping up of pay is misconceived. It is contended that the impugned order dated 05.03.2020 (Annexure P-9) has been rightly passed and does not suffer from any illegality warranting interference by this Court.

4. Analysis

Having heard counsel for both parties at length and perusing the material placed on record, this court is of the considered opinion that it is not

in dispute that the petitioner held the post of Zilledar in the year 2010 and retired from that post in 2012. The claim of the petitioner through this petition is limited to stepping up of his pay at par with his junior, on the application of the “catch-up rule”.

This court cannot lose sight of the fact that when the framers of our Constitution enshrined the guarantee of equality of opportunity in public employment under Article 16, their vision was to harmonise the twin objectives of democratisation and administrative efficiency. Article 16(4) of the Constitution of India, in particular, enables the State to provide for reservation in appointments or posts for backward classes who, in the State’s opinion, are not adequately represented in public services. Simultaneously, Article 335 of the Constitution imposes a constitutional obligation to consider the claims of reserved categories in recruitment and promotion, but only insofar as it remains consistent with the maintenance of efficiency in administration.

Thus, the Constitution mandates a delicate balance, where social justice is pursued, but not at the cost of merit or institutional integrity. It is this balance which the courts have time and again sought to protect. While promoting inclusion, the system must not become a source of alienation for those who, despite sustained performance and seniority, find themselves displaced by virtue of reservation-based acceleration alone. Promotion, as an incident of service, is not merely about elevation, it is about recognition, fairness, and morale. The exclusion of senior general category employees from rightful consideration, merely due to the accumulated advantage of earlier reserved promotions, undermines the equality mandate.

This court is of the view that, in cases where a general category employee attains the same post as his junior who had earlier been promoted

under the reservation policy, the 'catch-up rule' must be applied. This restores the senior's rightful position and protects against what may otherwise constitute reverse discrimination. To allow the reserved category junior to retain a continuous promotional advantage without reassessing seniority at the common post would amount to ignoring the equality clauses enshrined in Articles 14 and 16 of the Constitution of India. The principle of equality demands that, once parity in position is achieved, the originally senior general category employee should not be prejudiced in matters of pay, status, or further advancement. Any deviation would erode the constitutional commitment to fairness, and compromise the larger objective of balanced and inclusive governance. Reliance may be placed on the ratio laid down by the Supreme Court in ***Ajit Singh Januja v. State of Punjab* 1996(2) SCT 278**, wherein it was held as follows:

“16. We respectfully concur with the view in Union of India v. Virpal Singh Chauhan (supra) that seniority between the reserved category candidates and general candidates in the promoted category shall continue to be governed by their panel position i.e. with reference to their inter se seniority in the lower grade. The rule of reservation gives accelerated promotion, but it does not give the accelerated 'consequential seniority'. If a Scheduled Caste/Scheduled Tribe candidate is promoted earlier because of the rule of reservation/roster and his senior belonging to the general category candidate is promoted later to that higher grade the general category candidate shall regain his seniority over such earlier promoted scheduled caste/tribe candidate. As already pointed out above that when a scheduled caste/tribe candidate is promoted earlier by applying the rule of reservation/roster against a post reserved for such scheduled caste/tribe candidate, in this process he does not supersede his seniors belonging to the general category. In this process there was no occasion to examine the merit of such scheduled caste/tribe candidate vis-a-vis his seniors

belonging to the general category. As such it will be only rational, just and proper to hold that when the general category candidate is promoted later from the lower grade to the higher grade, he will be considered senior to a candidate belonging to the scheduled caste/tribe who had been given accelerated promotion against the post reserved for him. Whenever a question arises for filling up a post reserved for scheduled caste/tribe candidate in still higher grade then such candidate belonging to scheduled caste/tribe shall be promoted first but when the consideration is in respect of promotion against the general category post in still higher grade then the general category candidate who has been promoted later shall be considered senior and his case shall be considered first for promotion applying either principle of seniority-cum-merit or merit-cum-seniority. If this rule and procedure is not applied then result will be that majority of the posts in the higher grade shall be held at one stage by persons who have not only entered in service on basis of reservation and roster but have excluded the general category candidates from being promoted to the posts reserved for general category candidates merely on the ground of their initial accelerated promotions. This will not be consistent with the requirement or the spirit of Article 16(4) or Article 335 of the Constitution.”

The principle that the “catch-up rule” recognizes that reservation may advance a junior temporarily, but once the senior reaches the same post, his seniority must be restored, has been consistently followed by this Court in CWP No. 2382 of 1996 decided on 06.12.2006 titled “**Prem Kumar Verma v. State of Haryana**” and CWP No. 13889 of 2006 decided on 15.05.2008 titled “**Charan Dass v. State of Haryana**”, wherein it was held that a senior general category employee, upon catching up with his junior in the reserved category, is entitled to stepping up of pay at par and the said judgment was generalized through Government instructions dated 05.03.2009 attached as Annexure P-3.

Furthermore, it is apposite to take note of an almost identical matter, a similar claim was rejected by the respondents vide impugned order dated 03.02.2014, which was challenged in CWP No. 9870 of 2014 titled “**Anant Ram Sharma v. State of Haryana**” wherein this Court, vide judgment dated 02.07.2015, set aside the rejection order and allowed the claim of the petitioner for stepping up of his pay at par with his junior. The present case is squarely covered by the said decision as well.

This Court observes that the reasoning adopted in the impugned order dated 05.03.2020, that the petitioner had not regained his seniority at the stage of Revenue Clerk and that no seniority list of Zilledars was prepared, is wholly untenable. Once the petitioner and his junior both occupied the post of Zilledar, the principle of catch-up applied automatically, irrespective of whether a formal seniority list was drawn. The benefit cannot be denied on vague or technical grounds, as doing so would perpetuate inequality in contravention of Articles 14 and 16 of the Constitution.

This court is sanguine of the fact that the petitioner’s grievance is not merely about monetary parity, it is, in essence, a plea for recognition, for dignity, for fairness in the twilight of a long and honorable career in public service. It is an appeal that seeks to restore balance to a life spent in silent contribution to the functioning of the State and to deny him this parity, when the law is so clearly in his favour, would be to allow technicalities to overshadow justice. The Constitution of India does not permit such indifference as equality under Article 14 of the Constitution and fairness in service under Article 16 of the Constitution demand more than token acknowledgment, they require that rightful claims not be buried under bureaucratic delay or administrative omission. At this stage in life, when the petitioner seeks not future promotion but retrospective affirmation, this Court

cannot look away since justice must not only be done, it must reach the doorstep of the petitioner with the quiet assurance that the law has not forgotten him.

In view of the settled position of law in Ajit Singh Janjua (supra), Charan Dass (supra), Prem Kumar Verma (supra), and the decision in Anant Ram Sharma (supra), the claim of the petitioner deserves acceptance.

5. Conclusion

In the light of the above, and guided by the consistent judicial pronouncements on this subject, this court finds no reason to deny the petitioner the relief claimed. The impugned order dated 05.03.2020 cannot be sustained in law and this petition is hereby allowed.

The respondents are directed to step up the pay of the petitioner at par with his junior Sh. Raghubir Singh from the date he caught up with him on the post of Zilledar, with all consequential benefits, including arrears with an interest @ 6%, to be released within a period of three months from the date of receipt of a certified copy of this order.

12.09.2025
Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>:Yes/No</i>
<i>Whether reportable</i>	<i>:Yes/No</i>