



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
117

CWP-6626-2026 (O&M)
Date of decision: 06.03.2026

Amrik Singh
.....Petitioner
Versus
State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. K.L. Arora, Advocate
with Mr. Naveen Kumar, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. Jaspreet Singh, Advocate
and Mr. P.S. Dhindsa, Advocate
for respondent No.3.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the prejudicial part “notional basis” and “No Work, No Pay” of the speaking orders dated 03.07.2024 (Annexure P-5) and 17.09.2024 (Annexure P-6). Further a writ of *mandamus* has been sought, directing the respondents to release the actual benefits for promotion to the post of Junior Engineer (JE) from 26.02.1991, Assistant Corporation Engineer (SDO) from 16.03.2001 and Corporation Engineer (XEN) from 27.07.2011 and grant arrears of salary on account of 4/9/14 years of ACP/Step-up, along with interest @ 18% per annum.



2. Learned counsel for the petitioner, *inter alia*, submits that the petitioner served the Municipal Corporation, Ludhiana and retired as Sub-Divisional Officer. Despite being senior to certain officers including Sh. R.P. Gupta and Sh. Rajinder Singh, the petitioner was ignored at the relevant time and his juniors were granted promotions to higher posts. Earlier, the petitioner had filed **CWP-3545-2005** before this Court, challenging the seniority list, which was disposed of by this Court on 03.10.2023 (Annexure P-1) with a direction to the competent authority to consider his representation in light of the Division Bench judgment dated 02.05.1997 and the order dated 18.01.1999. Pursuant thereto, the respondents passed the speaking orders dated 03.07.2024 (Annexure P-5) and 17.09.2024 (Annexure P-6) whereby the petitioner was granted promotion from the dates his juniors were promoted, including promotion as Executive Engineer w.e.f. 27.07.2011, however the same was granted only on notional basis on the principle of “No work No pay.” Learned counsel for the petitioner further submits that once the petitioner has been held entitled to promotion from the date his juniors were promoted, he cannot be deprived of consequential benefits including arrears of salary and other service benefits. He further contends that even the office note dated 23.12.2025 (Annexure P-9) issued by the office of the Additional Commissioner approves the grant of 4, 9 and 14 years of ACP benefits and revision of pension, thereby acknowledging the petitioner’s service benefits. However, despite such



recognition, the arrears arising from the retrospective promotion have not been released to the petitioner.

3. Learned counsel for the petitioner, in support of his arguments, has relied upon the judgment of this Court in ***Darshna Devi vs State of Punjab and others, 2024(5) SLR 731*** and submits that when an employee is unjustly denied promotion due to fault of the employer, he must be granted arrears of salary and other benefits from the date of notional promotion. He has further relied upon the Division Bench judgment of this Court in ***Rameshwar vs State of Haryana and others, 2005(4) SCT 618*** and submits that if an employee is granted retrospective promotion, he is entitled to monetary benefits of the promotional post also from the same date. Any delay in initiating or considering a promotion case, is the responsibility of the competent authority, and such delay cannot be attributed to the employee. Therefore, if the employee was otherwise eligible and is later promoted with retrospective effect, then, denial of arrears of pay in the promotional pay scale would be unjust and violative of Articles 14 and 16 of the Constitution of India, which guarantee equality and equal treatment in service matters. Lastly, he has relied upon the judgment of this Court passed in **CWP-18030-2020**, titled as ***Ravish Kumar vs State of Punjab and another***, decided on **12.09.2025**, wherein it has been held that where an employee is wrongly denied promotion due to fault of the employer, he is entitled to full consequential benefits including arrears of salary.



4. *Per contra*, learned State counsel as well as learned counsel for respondent No.3 submits that the petitioner has already been granted promotion retrospectively and the respondents have complied with the earlier directions issued by this Court in **CWP-3545-2005**. Learned counsel for respondent No.3 further submits that the promotion was rightly granted to the petitioner on notional basis and the petitioner is not entitled to arrears of salary for the period during which he did not actually discharge duties on the higher post. He further submits that the principle of “No Work No Pay” is applicable in the present case and, therefore, the respondents were justified in restricting the benefit only to notional promotion.

5. Learned State counsel further submits that as per the established service rules and government orders, the arrears are not payable in cases of notional promotion and the respondents have only acted in accordance with the due process in granting promotion. Any delay in the petitioner’s promotion was not due to deliberate discrimination but arose from procedural requirements. Learned State counsel has placed reliance upon the Division Bench judgment of this Court in *State of Punjab and another vs Jagdish Singh and others*, **2025 NCPHHC 58675**, and submits that monetary benefits in cases of retrospective promotion are payable only from the date of filing the writ petition and not from the date of retrospective promotion.

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



7. From the facts on record and after careful consideration of the pleadings and submissions, it is evident that the petitioner was admittedly senior to certain officers who were promoted earlier. Later on, the respondents themselves have subsequently granted promotion to the petitioner from the same date on which his juniors were promoted. However, the benefit has been restricted only to a notional promotion and the petitioner has been denied arrears of salary on the principle of “No Work, No Pay”.

8. The primary reason for the delay appears to be procedural lapses on the part of the respondents. The Hon’ble Supreme Court in *Union of India vs. K.V. Jankiraman, 1991 (4) SCC 109*, has categorically held that the normal rule of "No Work, No Pay" does not apply to cases where an employee is unjustly kept away from discharge of duties or benefits of a post for no fault of his own. It was observed that where the employee is eventually found fit for promotion but was denied the same due to pendency of proceedings or administrative lapses, he ought to be granted salary and other benefits from the date he would have normally been promoted. The present petitioner’s exclusion from the timely promotion was not due to any fault on his part but due to the procedural lapses on the part of the respondents. He was ultimately found eligible, and therefore, in terms of the judgment in *K.V. Jankiraman’s case (supra)*, he is entitled to full consequential benefits including arrears of salary from the date his juniors were promoted.



9. Moreover, it would also be appropriate to reproduce the concluding portion of the speaking order dated 02.07.2024 (Annexure P-5), which reads as under:

"In view of the above and keeping in view the High Court order dated 03.10.2023 and the representation dated 24.02.2024 of Sh. Amrik Singh, retired SDO (O&M), and on the basis of the initial date of appointment of Sh. Amrik Singh as EPD on 01.12.1976, Sh. Rajinder Singh on 07.03.1983 and Sh. R.P. Gupta on 17.01.1989, and considering that the petitioner is senior as per the initial date of joining as EPD and keeping in view the promotions of his junior Sh. R.P. Gupta to the post of JE on 26.02.1991 and SDO from 16.03.2001, Sh. Amrik Singh is promoted as JE from 26.02.1991 and SDO from 16.03.2001 on notional basis, i.e. from the dates from which Sh. R.P. Gupta was promoted on regular basis and salary was paid."

9.1. A perusal of the aforesaid speaking order dated 02.07.2024 (Annexure P-5) clearly shows that the respondents themselves have acknowledged the seniority of the petitioner and have granted him promotion from the dates his juniors were promoted, though restricting the same to a notional basis.

10. It would also be apposite to reproduce Paragraphs 7 and 8 of the judgment passed by this Court in ***Ravish Kumar's case (supra)***, which read as under:

7. Further, it is a settled law that similarly situated employees must be treated equally. The petitioner, being senior and eligible, was entitled to be promoted from the same date as his juniors. The respondents' act of granting



promotion only on a notional basis and denying arrears amounts to discrimination and is against the principles of natural justice.

*8. The reliance of the respondents on the Division Bench judgment in **Jagdish Singh's case (supra)** is noted, where it was held that monetary benefits shall be granted from the date of filing the writ petition, not from the date of retrospective promotion. However, in the present case, the petitioner had been regularly pursuing his right and filing representations since 2014, well before the filing of the writ petition, therefore, the lapse cannot be attributed to the petitioner. It is the duty of the State and its instrumentalities to ensure that promotions and pay are granted to an employee fairly and in accordance with the principles of natural justice and service law. Moreover, granting notional regularization without corresponding financial benefits is an arbitrary, illogical and meaningless exercise that provides no real relief to an employee. The State, as a model employer, cannot take advantage of its own protracted delay in granting rightful dues to an employee.*

11. It is also noteworthy that even the office note dated 23.12.2025 (Annexure P-9) approves the grant of 4, 9 and 14 years of ACP benefits, however, there is no explanation forthcoming from the respondents as to why the said approved benefits have not been released to the petitioner till date.

12. In the present case, the petitioner has been pursuing his claim since the filing of **CWP-3545-2005**, and the respondents themselves have acknowledged his entitlement to promotion from the



dates his juniors were promoted. Once such entitlement has been recognized by the respondents, then, restricting the promotion merely to a notional basis and denying the consequential monetary benefits to the petitioner cannot be sustained.

13. Accordingly, the present writ petition is allowed. The impugned portions of the speaking orders dated 03.07.2024 (Annexure P-5) and 17.09.2024 (Annexure P-6), whereby the promotion of the petitioner has been restricted to a notional basis on the principle of “No Work, No Pay,” are hereby set-aside.

14. The respondents are directed to release the arrears of salary along with interest @ 6% per annum to the petitioner from the date of filing of **CWP-3545-2005**, and also grant all consequential service and pensionary benefits, including the benefits of the post of Executive Engineer (XEN) w.e.f. 27.07.2011, in accordance with law.

15. The respondents shall also grant and release the benefits of 4, 9 and 14 years of Assured Career Progression (ACP) to the petitioner along with all consequential monetary and pensionary benefits arising therefrom, as already approved in the office note dated 23.12.2025 (Annexure P-9) and disburse the arrears accordingly.

16. The necessary exercise shall be completed by the respondents within a period of three months from the date of receipt of a certified copy of this order.

2026:PHHC:034030



17. Pending miscellaneous application, if any, also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

06.03.2026

yakub

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