

2026:PHHC:041381



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CWP-9359-2001 (O&M)

Date of decision: March 17, 2026

KHARAK SINGH MANN

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: None for the petitioner.

Mr. Aakash Singla, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 03/08.05.2001, Annexure P-3, to the extent the petitioner has not been given the benefit of arrears of pay while granting retrospective promotion to the post of Lecturer with effect from 11.12.1985, the date when his junior/fourth respondent was promoted as such.

2. Learned State counsel has pointed out that during pendency of the petition, the petitioner was promoted as Principal with effect from 16.08.2001; the promotion was subsequently made effective from the date his junior had been promoted, i.e., 08.09.2000, vide office order dated 29.01.2003/05.03.2003. A copy of this order has been received by learned State counsel along with instructions issued by the Department vide memo dated 25.02.2026, which are retained on the case file as Annexure 'A'.

3. As apparent on record, the petitioner was first promoted as Lecturer from 16.02.1990. The promotion order was corrected promoting him from the date his junior had been promoted, i.e., 11.12.1985, vide impugned

order dated 03/08.05.2001, but it was notional promotion without payment of salary for the period he had not worked. There is no justification put forth by the respondents for denying him promotion from that date, nor has any written statement been filed on their behalf contesting the petitioner's claim for grant of arrears from the date he has been promoted as Lecturer vide the said order. It has already been settled that once an employee has been denied promotion on account of any wrong by the Department, he becomes entitled to arrears of salary as well. Reference can be made to judgment dated 19.07.1995, rendered by the Division Bench in LPA-544-1992 titled *Vidya Parkash Harnal v. State of Haryana*. The relevant extract of the judgment reads as under:

7. Similarly, the argument that the petitioner was not entitled to the grant of emoluments on the principle of 'No work, no pay' is apparently mis-conceived and based upon wrong notions of law. If a civil servant is not offered the work to which he was legally entitled, he cannot be deprived of the wages for the post to which he subsequently is held entitled to. Permitting such a course to be adopted would be encouraging the imposition of double penalty, that is, firstly by declining the civil servant his right of promotion and secondly by depriving him of the emoluments to which he would have been entitled to upon promotion which subsequently is considered in his favour. Deprivation to work against the post to which a civil servant is entitled on promotion is always at the risk and responsibility of the State and cannot be made a basis for depriving such a civil servant of the emoluments to which he was entitled, had he been promoted in accordance with the rules at the time when he became eligible for such promotion. The Courts cannot ignore the magnitude of the sufferings and the pains to which a civil servant is subjected on account of deprivation of the monetary benefits particularly in this age of skyrocketing prices and non-availability of essential requirements of livelihood. The

Court cannot shut its eyes and forget the holocaust of economic deprivation to the petitioner and his dependants. Such a deprivation might have upset the career of the dependants, depriving the society of the services of such youth and budding dependants or children of the petitioner. The executive once being satisfied that a civil servant was entitled to the promotion with retrospective effect cannot deprive him of the benefits of salary accruing on account of such promotion from an early date without assigning valid, cogent and specific reasons. The order impugned in this case by which the petitioner/appellant was deprived of his right to claim back wages is admittedly non-speaking without assigning any justification or cogent and specific reasons.

Accordingly, the petitioner is entitled to arrears of salary from the date he has been given retrospective promotion as Lecturer.

4. In view thereof, the petition is allowed. The impugned order dated 03/08.05.2001 is set aside to the extent arrears of salary have been declined to the petitioner therein. The respondents are directed to release arrears of salary to him from 11.12.1985 to 16.02.1990 which will carry interest at the rate of seven per cent per annum from the due date till the date of actual payment. These directions shall be carried out by the respondents within four weeks of receiving a certified copy of the judgment.

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

March 17, 2026

Jaspreet Kaur

(TRIBHUVAN DAHIYA)

JUDGE

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*