



CWP-14402-2001

-1-

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

Serial No. 203

CWP-14402-2001

Decided on:10.04.2026

Jeet Ram

... Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. B. K. Bagri, Advocate
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 orders dated 14.05.2001 and 30.08.2001, Annexures P-3 and P-4 respectively, whereby the petitioner has only been considered entitled to notional benefits from the date of promotion, asking him to return the arrears of salary already paid. Further, a writ of *mandamus* has been sought directing the respondents to grant pay scale of the promotional post of Headmaster to him from the deemed date of promotion, i.e., 20.02.1985.

2. Succinctly, as apparent on record, the petitioner, who was working as Junior Basic Training (JBT) teacher in the Department, was promoted as Headmaster with effect from 19.04.1991. He filed a petition

**CWP-14402-2001****-2-**

the petition, the Department on its own passed an order, dated 08.06.2000, giving him retrospective promotion as Headmaster with effect from 20.02.1985. Consequently, re-fixation of pay order was also issued on 23.06.2000, Annexure P-2. Later, vide impugned office order dated 14.05.2001, Annexure P-3, the petitioner was asked to return the amount on the ground that the arrears of salary on the promotional post of Headmaster were wrongly given to him on 12.08.2000 from 01.01.1986 to 19.04.1991. Recovery pursuant to the impugned orders was stayed by this Court vide order dated 17.09.2001.

3. In this factual background, learned counsel for the petitioner contended that the petitioner was wrongly denied promotion as Headmaster from 20.02.1985 for no fault of his. The mistake was corrected by the Department by passing the order dated 08.06.2000. And therefore, he cannot be denied the benefit of actual salary/ pay scale from that date. In fact, the benefit was partly given to him by releasing the arrears from 01.01.1986 to 19.04.1991, which has been sought to be withdrawn vide impugned letter dated 14.05.2001 without any justification.

4. Learned State counsel is not in a position to dispute that no justification is forthcoming regarding the reason why the petitioner is not entitled to arrears of salary on the promotional post with effect from 20.02.1985. The impugned order dated 14.05.2001 also does not explain either the reasons for giving the arrears in part or for withdrawing the same; nor was any show cause notice issued to the petitioner before passing the order.



6. It remains undisputed that after granting promotion to the petitioner as Headmaster with effect from 19.04.1991, the Department on its own passed another order dated 08.06.2000 granting him promotion from retrospective date, i.e., 20.02.1985. This was done during pendency of the petition filed by him seeking promotion as Headmaster from the retrospective date. It is also a conceded fact on record that after re-fixation of petitioner's pay as Headmaster in the light of office order dated 08.06.2000, he was also paid arrears of salary partially from 01.01.1986 to 19.04.1991, though vide impugned order dated 14.05.2000, these have been ordered to be withdrawn directing him to return the amount of arrears. No reasons have been given for passing the impugned order, nor has it been explained as to why the petitioner is not entitled to arrears of salary from the date of promotion as Headmaster, viz, 20.02.1985. It remains 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 Headmaster.

7. In view thereof, the petition is allowed. The impugned orders dated 14.05.2001 and 30.08.2001 are hereby set aside, and the respondents are directed to release the remaining arrears of salary to the petitioner for the period 20.02.1985 to 31.12.1985 with interest at the rate of seven per cent

**CWP-14402-2001****-5-**

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 order.

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

10.04.2026*Mehak***(TRIBHUVAN DAHIYA)
JUDGE**

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No