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

CWP-21484-2020

Date of decision: 09.02.2026

Jagbir Singh Arya

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Ravinder Malik, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl.A.G., Haryana.

Mr. Arvind Seth, Advocate
for respondents No.2 to 4.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari*, *mandamus* or any other writ, order or direction for modification of order dated 28.08.2018 (Annexure P-11) and pension payment order dated 25.10.2019 (Annexure P-13) and all consequential financial benefits arising out of the same. Further, for directing the respondents to grant the same benefit of Assured Career Progression under Haryana Civil Services Rule, 2016 as granted to his junior and grant the benefit of stepping up of pay at par with his junior w.e.f. date of promotion of junior and all consequential financial benefits in accordance with law within some stipulated period along with interest @ 18% per annum from due date till actual payment.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner was appointed to the post of Horticulture Supervisor and joined on

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08.08.1988. He further submits that one Naurty Ram was also appointed on 08.08.1988 on the same post. Further, the date of birth of the petitioner is 06.06.1960 and date of birth of Naurty Ram is 10.06.1964, as such, the petitioner was senior to Naurty Ram. The petitioner was promoted and appointed to the post of Junior Engineer (Horticulture) on 01.12.1994 and on the same date, Naurty Ram was also given the similar appointment. Similarly, Naurty Ram was also granted the identical relief. The first ACP benefit for both of them was due on 01.01.2005 in the cadre of Junior Engineer, however, the petitioner was placed under suspension on 16.07.2002 and was reinstated on 15.12.2003 without prejudice of the pending inquiry. The first ACP was granted to Naurty Ram on 24.07.2007 and revised pay band was granted w.e.f. 01.01.2013. However, the petitioner was granted the benefit of first ACP only after the decision of suspension period taken on 26.06.2018. The petitioner was denied the promotion as SDE due to the non-deciding of the suspension period, whereas, Naurty Ram, who is junior to the petitioner, was promoted as SDE and after deciding the suspension period on 26.06.2018, second ACP was granted to the petitioner w.e.f. 26.06.2018. The petitioner, thereafter, retired on 30.06.2018 as Junior Engineer. Further, learned counsel for the petitioner submits that the petitioner was never served with any charge-sheet. He challenged the order of suspension and sought a declaration to the effect that he is entitled to the arrears for the suspension period and all consequential benefits, including increments along with interest by filing Civil Suit No.318 of 2012. The civil suit filed by the petitioner was decreed and petitioner was held entitled to arrears of suspended period and all other benefits including

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increments etc. along with interest @ 6% per annum. The appeal filed by the respondent-authority was also dismissed vide judgment dated 30.11.2016. As such, the petitioner is not only entitled to the promotion from the date when his junior, Naurty Ram was promoted, but also entitled to all consequential benefits at par with Naurty Ram.

3. Learned counsel for the respondent-authority submits that the petitioner superannuated on 30.06.2018 as Junior Engineer, whereas, Naurty Ram, was promoted as SDE on 01.08.2017 and retired on 30.06.2022, as such, the petitioner cannot claim parity with him. However, he could not controvert the fact that the petitioner has challenged the suspension order by filing Civil Suit No.318 of 2012 which was decreed vide the judgment and decree dated 20.07.2013 and also, the decision of the suspension of the petitioner on 16.07.2002 till his reinstatement on 15.12.2003 was only taken on 26.06.2018.

4. Having heard learned counsel for the parties and after perusal of the record of the case with their able assistance, it transpires that this Court on 31.10.2022 sought the additional affidavit of the respondent-authority giving details of service career of the petitioner as well as that of his junior, namely, Naurty Ram along with complete particulars including the benefit of ACP granted to both of them.

5. In purported compliance, an additional affidavit dated 07.07.2023 was filed. The comparative chart was annexed with the aforesaid affidavit as Annexure R-1. The relevant portion containing all the particulars of both petitioner and Naurty Ram is reproduced as under:-



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Sr. No.	Sh. Jagbir Singh Arya (Petitioner)	Sh. Naurty Ram	Remarks
1.	The petitioner was appointed to the post of Hort. Supervisor in the pay scale of Rs.950-1500 vide this office Endst. No. EA-4-88/26953 dated 30.07.1988 and joined on 08.08.1988. The date of birth of the petitioner is 02.06.1960.	The officer was appointed to the post of Hort. Supervisor in the pay scale of Rs.950-1500 vide this office No.26939 dated 30.07.1988 and joined on 08.08.1988 The date of birth of the petitioner is 10.06 1964.	The petitioner shown Senior and above to Sh. Naurty Ram in accordance of date of birth.
2.	The petitioner was appointed fresh to the post of Junior Engineer (Hort.) in the pay scale of Rs.1640-2900 vide this office memo No.24393 dated 01.12.1994 and joined on 08.12.1994.	Sh. Naurty Ram was appointed fresh to the post of Junior Engineer (Hort.) in the pay scale of Rs.1640-2900 vide this office memo No.24405 dated 01.12.1994 and joined on 07.12.1994.	
3.	1st ACP was due on 01.01.2005 in the cadre of Junior Engineer, but he was placed under of suspension on 16.07.2002 and re-instated on 15.12.2003 without prejudice of the pending enquiry. He is not found entitled for 1st ACP and revised pay band as the suspension period decided on 26.06.2018.	1 st ACP was due w.e.f 01.01.2005 in the cadre of Junior Engineer which was granted vide letter dated 24.07.2007. Revised pay band granted w.e.f. 01.01.2013 in the pay scale of Rs.9300-34800 + 5200 GP on completion of 18 years service vide order dated 14.07.2014.	
4.	Due to non deciding of suspension period he was not promoted as SDE when his junior was promoted. After deciding the suspension period on 26.06.2018, 2nd ACP in pay scale of Rs.9300-34800+5400 GP was granted w.e.f 26.06.2018. The petitioner had been retired on 30.06.2018 as Junior Engineer on attaining the age of superannuation of 58 years.	Promoted as SDE in pay scale of Rs.9300-34800+5400 GP on 01.08.2017 and Retired on 30.06.2022 as SDE.	

6. The perusal of Annexure R-1 clearly indicates that the petitioner was placed under suspension on 16.07.2002 and he was reinstated on 15.12.2003. No decision on the suspension period was taken till the dismissal of the appeal filed by the respondent-authority by the learned Additional District Judge, Karnal, on 30.11.2016 (Annexure P-6). The petitioner has filed

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Civil Suit No.318 of 2012 on 17.04.2012 which was decreed on 20.07.2013 (Annexure P-5). It appears that the petitioner has been granted the benefits as extended vide judgment and decree passed by the learned Civil Judge (Junior Division), Karnal on 20.07.2013 only on 26.06.2018. In the absence of any charge sheet or disciplinary proceedings, the petitioner cannot be denied the benefit of ACP and revised pay band as well as the promotion. It is not a case that some disciplinary proceedings were pending against the petitioner and as such, he was not considered for promotion. The respondent-authority has failed to place on record any adverse entry against the petitioner or any other material for which the petitioner can be denied his right to be considered for promotion from the date his junior, Naurty Ram was promoted on 01.08.2017.

7. In view of the admitted facts, the present petition is allowed. The respondent-authority is directed to grant all consequential benefits to the petitioner, including the deemed date of promotion from the date on which Naurty Ram, who was junior to the petitioner, was granted promotion. The petitioner shall also be entitled to ACP, promotion and all consequential benefits.

8. The aforesaid benefits, along with interest @ 6% per annum from the date of decree passed by the Civil Court, till its actual realization shall be paid within a period of three months from the date of receipt of a certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

09.02.2026

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