
(2014) 05 P&H CK 0490
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 8691 of 2014

Mohna Nand and Another

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 07-05-2014

Acts Referred:

Citation : (2014) 05 P&H CK 0490

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : Bhupinder Singh, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Augustine George Masih, J.—Petitioners have approached this Court claiming the benefit of the instructions dated 18.12.2013 on the ground that they being senior in the initial cadre of appointment, i.e., Clerk and belonging to the general category would be entitled to the pay fixation equal to that of their junior reserved category employee, namely, Dalip Singh on his promotion to the post of Deputy Superintendent and thereafter the Superintendent.

2. It is the contention of the counsel for the petitioners that the petitioners were appointed as Clerks on 09.05.1969 and 25.05.1968 respectively. They belong to the general category. Shri Dalip Singh, a Scheduled Caste employee, was appointed as a Clerk on 03.06.1971 and, thus, was junior to the petitioners in the seniority list. Petitioners were promoted as Assistants on 25.03.1975 and 29.10.1975 respectively. Dalip Singh (reserved category employee) was also promoted on 29.10.1975 as an Assistant. Thereafter, Dalip Singh was promoted as Deputy Superintendent on 01.04.1985 and thereafter as Superintendent on 06.12.1985 with a further promotion to the post of Under Secretary on 29.04.1992. Petitioners were promoted as Deputy Superintendents on 08.04.1999 and 14.11.1996 respectively and as Superintendents on 07.01.2000 and 05.02.1999 respectively. He contends that since the petitioners were also

promoted as Deputy Superintendents and thereafter Superintendents and were senior to Dalip Singh in the feeder cadre of Assistant, they are entitled to the pay fixation on the posts of Deputy Superintendent and Superintendent from the date Dalip Singh was promoted on those posts. He accordingly contends that the benefit as they are entitled to under the instructions dated 18.12.2013 has been denied to them.

3. This contention of the counsel for the petitioners cannot be accepted as the principle, on the basis of which the instructions dated 18.12.2013 apply is dependent upon the fact that the person, who is a general category employee and is senior in the feeder cadre, catches up with the reserved category candidate in next step of promotion. In the present case, at no stage after the promotion of the reserved category employee to the post of Deputy Superintendent or Superintendent and thereafter to the post of Under Secretary, do petitioners catch up with him on the said posts when he was holding the same. When the petitioners were promoted to the post of Deputy Superintendent and Superintendent, by that time Dalip Singh (reserved category employee) had already been promoted to the post of Under Secretary. The principle, therefore, as laid down in the instructions dated 18.12.2013 would not be applicable to the case of the petitioners.

4. Finding no merit in the present writ petition, the same stands dismissed.