IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

C.W.P. No. of 2021

Manphul Singh Saini (aged about 72 years) son of Sh. Maha Singh (Retd. Deputy. Suptd.) resident of House no. 103/27 Subhash Nagar ,Rohtak road Jind Distt. Jind**. …… …. …Petitioner**

VERSUS

1. Financial Commissioner –cum –Addl. Chief Secretary, to Govt. of Haryana,

Irrigation & Water Resources Department, Haryana Civil Secretariat, Sector-17 ,Chandigarh

1. Engineer-in- Chief , Irrigation & Water Resources Department, Haryana, Sinchai Bhawan,Sector-5, Panchkula
2. Superintending Engineer, Y.W.S. Circle, Jind.
3. Executive Engineer ,Jind W/S Division. Jind.
4. Accountant –General ( A&E) Haryana Sector -33-B, Chandigarh. **-------------Respondents**

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 30 .03.2021 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

Civil Writ Petition under Articles 226/227 of the Constitution of India praying for the issuance of a writ in the nature of Mandamus directing the respondents to pay him (petitioner) the difference of salary between the accrual drawn and deemed date of promotion, i.e. as Sub Divisional Clerk (S.D.C), Accounts Clerk and Deputy Superintendent w.e.f. 4.3.1975, 7.9.1979 and 24.11.1995 respectively vide order/letter dated 29.7.2019 (Annexure P-1) issued by the respondent no.2 along with all consequential benefits with interest @18% p.a.

Any other appropriate writ, order or direction to which this Hon’ble High Court may deem fit and proper in the facts and circumstances of the case may also be passed in favour of the petitioner.

*RESPECTFULLY SHOWETH*

1. **That** the petitioner is a resident of District Jind (Haryana) and as such being a citizen of India, he is fully competent to invoke the extraordinary writ jurisdiction of this Hon’ble Court under Article 226/227 of the Constitution of India by way of the present writ petition.
2. That the petitioner was appointed as clerk on 14.3.1967 on ad-hoc basis and later on, he was regularly selected by the erstwhile S.S.S. Board vide letter no 2R-01-01-1971 dated 12.8.1971 and he joined the office of the respondents on 24.9.1971 on the same post same department . Petitioner possesses an unblemished record of his 41 years service and he has worked to the complete satisfaction of his superiors till the date of his retirement from service upon attained the age of superannuation i.e. 31.1.2008.
3. That when the petitioner joined the respondents/department his services were governed by the erstwhile PWD (I.B.) Circle Clerical Established Rules 1955. In these rules ,there was a provision to pass the department exam for further promotion i.e. Clerk to S.D.C. Petitioner successfully passed the said exam during the month of Dec.1972 for next promotion i.e clerk to SDC. But in the year 1975, when the promotions were made i.e clerk to SDC from the departmental passed candidates than petitioner could not be promoted being fully eligible instead of passing the departmental exam, for the reason best known to the respondents, whereas junior persons like Subhash Chander Kumar,Hemraj Garg, Harish Chander Kapoor ,Rajraniand and Gopal Ballab were promoted from the post of clerk to S.D.C. Than petitioner submitted various representations to the respondents but all in vain.
4. **That** in year1979 again same junior persons were promoted from the post of S.D.C. to Accounts Clerks who were earlier promoted from the post of clerk to SDC in 1975 but again petitioner was not promoted .
5. **That** in the year 1995again same juniors persons were promoted from the post of Accounts Clerk to Deputy Superintendent .This was the third round of promotion for them from the post of clerk to SDC (in the year 1975) than Accounts clerk ( in the year 1979 ) further Accounts clerk to Deputy Suptd. in the year 1995) But again petitioner could not be promoted instead of fully eligible whereas , no inquiry or complaint was pending against the petitioner during this period.
6. **That** petitioner had rendered total 41 years ( 1967 to 2008 ) prestigious service as clerk without any complaint/inquiry /stigma but unfortunately , no promotion was given to the petitioner during the 41 years of his service career, due to grave omission /error of the department (which is admitted and not disputed by respondents ) . Lastly, on 31.1.2008 petitioner was retired from service after attaining his age of superannuation as clerk without taking any promotion and without any type of blame.
7. **That** petitioner fought continuously of his legal right upon various platforms and he filled various complaints in this regard before Lokayukta Haryana, C,M, Window and others platforms before and after his retirement (i.e in the year 2008) for the promotions , lastly on the basis of various complaints and directions of the Lokaukta, than higher authority of the departments ordered to conduct the inquiry in this matter , than respondents realized that there was a big blunder on his part, further after conducting the inquiry by the respondents it was found that Superintendent Engineer (S.E.) Jind mis-pleaded and wrongly recommended with concealment of record of the petitioner vide his office no.1041-42/9EC dated 1.7.2015, lastly respondents constrained to accept his demand/ request and considered his case and granted three deemed date of promotions, i.e. as S.D.C, Accounts clerk and Deputy Superintendent w.e.f 4.3.1975, 7.9.1979 and 24.11.1995 respectively vide letter dated 29.7.2019 issued by the respondent no.2. Copy of the letter dated 29.7.2019 is attached herewith as **Annexure P-1.**

It is pertinent to mention here that petitioner obtained the Noting of the file of the department regarding inquiry under RTI application dated 4.2.2021 which was conducted in the matter of petitioner. True extract copy of the noting is attached herewith as **Annexure P-2.**

1. **That** now respondents have granted three promotions from the various deemed dates vide letter dated 29.7.2019(Ann.P-1) but now, one year 8 months have been lapsed, no monetary/consequential benefit arisen from letter dated 29.7.2019 (Ann.P1) has been granted till date i.e pay him the difference of salary etc. between due and drawn with interest.

**9. That** now age of the petitioner is 72 years and he is suffering from various ailments /diseases but respondents became adamant on this point, which has not been paid signal penny till date. Petitioner is running from pillar to post being senior citizen and official of the respondents every time stated that your case has been sent for sanction at Head Office. *It is the bounded duty of the respondents to release all the arrears to the petitioner . It is further to mention here that respondents are doing step-motherly treatment in the case of petitioner which is continuing ,as no arrear has been given as yet.*

**10. That** Petitioner also made the various representations to the respondents to grant the benefits of the letter dated 29.7.2019 (Ann.P-1) but all in vain . Then, finally petitioner sent the legal notice on 12.3.2021 through his counsel to the respondents to implement the letter dated 29.7.2019. But the respondents not responding regarding this till date. Copy of legal notice dated 12.3.2021 sent by the petitioner to the respondents is attached here with as **Annexure P-2.**

***11. That*** *there is sufficient judicial weight of precedents in favour of the petitioner because respondents want to unsettle the settled position for the benefits which arisen vide letter dated 29.7.2019* considering it notional promotion instead of deemed date of promotion.

**12. That** the following main law points arise in this writ petition for the kind consideration of this Hon’ble Court:-

a) Whether the action of the respondents is arbitrary and discriminatory which violative of Articles 14 and 16 of the Constitution of India?

b) Whether a grave manifest injustice has been caused to the petitioner?

**13.**  That there is no other alternative remedy of appeal or revision available to the petitioner except to approach this Hon’ble Court by way of the present writ petition under Article 226 of the Constitution of India.

**14.**  That the petitioner has not so far filed any such or similar writ petition either in this Hon’ble Court or in the Hon’ble Supreme Court of India for seeking the same relief against the impugned action of the respondents.

PRAYER

It is, therefore, respectfully prayed that this Hon’ble Court may be pleased to call for the records of the present case and after perusal thereof may be pleased to issue: -

i) a writ in the nature of Mandamus directing the respondents to pay him (petitioner) the difference of salary between the accrual drawn and deemed date of promotions, i.e. as Sub Division Clerk (S.D.C), Accounts clerk and Deputy Superintendent w.e.f 4.3.1975, 7.9.1979 and 24.11.1995 respectively vide order/letter dated 29.7.2019 (Annexure P-1) issued by the respondent no.2 along with all consequential benefits with interest @18% p.a.

ii) Any other appropriate writ, order or direction to which this Hon’ble High Court may deem fit and proper in the facts and circumstances of the case may also be passed in favour of the petitioner.

iii) Filing of true typed of annexures s and certified copies of annexures be also dispensed with;

CHANDIGARH Through Counsel:-

*Dated:- (SURESH AHLAWAT)*

*VERIFICATION Advocate*

Verified that the contents of Para No. 1 to 11 and 13 and 14 of the writ petition are true and correct to my knowledge. Legal submissions made in para Nos. 12 are believed to be true on the advice received from the learned Counsel. No part of it is false and nothing has been kept concealed there from.

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

C.W.P NO. OF 2021

Manphul Singh Saini …………. Petitioner

Versus

State of Haryana and others. ……………Respondents

*TOTAL AMOUNT OF COURT FEE AFFIXED*

CHANDIGARH (SURESH AHLAWAT)

DATED : 30 .3.2021 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

IN C.W.P. NO. OF 2021

Manphul Singh Saini …………. Petitioner

Versus

State of Haryana and others ……………Respondents

Affidavit Manphul Singh Saini son of Sh. Maha Singh resident of House no. 103/27 Subhash Nagar ,Rohtak Road Jind.

I , the above named deponent do hereby solemnly affirm and declare on oath as under: -

1. That the deponent has gone through the contents of the accompanying contempt petition which have been drafted by the counsel on my instructions. The contents of the same are admitted to be true and correct and be read as part and parcel of this affidavit.

2. That no such or similar petition has earlier been filed either before this Hon,ble Court or Hon,ble Supreme Court.

DATED :- . 2021

CHANDIGARH

*VERIFICATION*

Verified that the contents of my above affidavit are true and correct to my knowledge. No part of it is false and nothing has been kept concealed therein.

CHANDIGARH

DATED .2021

**LIST OF EVENTS**

**1967** Petitioner was appointed as clerk on 14.3.1967 on ad-hoc basis and later on, he was regularly selected by the erstwhile S.S.S. Board vide dated 12.8.1971 and he joined the respondents office on 24.9.1971 on the same post in the same department .

**1972-1975** That when the petitioner joined the respondents/department his services were governed by the erstwhile PWD (I.B.) Circle Clerical Established Rules 1955. In these rules ,there was a provision to pass the department exam for further promotion i.e. Clerk to S.D.C. Petitioner successfully passed the said exam during the month of Dec.1972 for next promotion i.e clerk to SDC. In the year 1975 when the promotion were made i.e clerk to SDC from the departmental passed candidates than petitioner could not be promoted being fully eligible instead of passing the departmental exam, for the reason best known to the respondents, whereas junior persons were promoted from the post of clerk to S.D.C. Than petitioner submitted various representation to the respondents but all in vain.

**1979. That** in 1979 again junior persons were promoted from the post of SDC to Accounts Clerks who were earlier promoted from the post of clerk to SDC in 1975 but again petitioner was not promoted .

**1995 Again** juniors persons were promoted .This was the third round of promotion for them from the post of clerk to SDC (in the year 1975) than Accounts clerk ( in the year 1979 ) further Accounts clerk to Deputy Suptd. in the year 1995) But again petitioner could not be promoted instead of fully eligible whereas, no inquiry or complaint was pending during this period.

**31.1.2008 That** petitioner has rendered total 41 years ( 1967 to 2008 ) prestigious service as clerk without any complaint/inquiry /stigma but unfortunately , no promotion was given to the petitioner during the 41 years of his service career, due to grave omission /error of the department (which is admitted and not disputed by your office ) . Lastly, on 31.1.2008 petitioner was retired from service after attaining his age of superannuation as clerk without taking any promotion and without any type of blame.

That petitioner fought continuously of his legal right upon various platforms before and after his retirement (i.e in the year 2008) for the promotions and lastly, respondents constrained to accept his demand/ request and granted the three deemed date of promotion, i.e. as S.D.C, Accounts clerk and Deputy Superintendent w.e.f 4.3.1975, 7.9.1979 and 24.11.1995 respectively vide letter dated 29.7.2019 (Ann.P-1).

**That** now respondents have granted three promotions from the various deemed dates vide letter dated 29.7.2019 , but now, one year 8 months have been lapsed, no monetary/consequential benefit arisen from letter dated 29.7.2019 has been granted till date i.e pay him the difference of salary etc. between due and drawn with interest.

**12.3.2021 That** Petitioner also made the various representations to the respondents to grant the benefits of the letter dated 29.7.2019 (Ann.P-1) but all in vain . Then finally petitioner sent the legal notice on 12.3.2021 through his counsel to the respondents to implement the letter dated 29.7.2019. But the respondents not responding regarding this till date.

**Hence this writ petition.**

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 30 .03.2021 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

**SURESH AHLAWAT OFFICE-CUM-RESIDENCE**

**ADVOCATE KOTHI No.706, SECTOR.11,**

**PUB. & HAR. HIGH COURT PANCHKULA.**

**CHANDIGARH**  **Resi: Mb.94171-11917**

**---------------------------------------------------------------------------------------------------**

Ref.No**.** Dated: 12.3. 2021

1. Financial Commissioner –cum –Addl. Chief Secretary, to Govt. of Haryana,

Irrigation & Water Resources Department, Haryana Civil Secretariat, Sector-17 ,Chandigarh

1. Engineer-in- Chief , Irrigation & Water Resources Department, Haryana,

Sinchai Bhawan,Sector-5, Panchkula.

1. Accounts Officer. Irrigation & & Water Resources Deptt. Haryana, Hisar.
2. Executive Engineer ,Jind Water Services Division, Irrigation & Water Resources department . Jind.

**Sub. Legal Notice -cum - Final Demand Notice** regarding release the arrears/all consequential benefits to my client along with 18%p.a. from the due date which arisen from your office letter dated 29.7.2019

Under the instructions from and on behalf of Sh. Manphul Singh Saini (aged about 72 years) retired Clerk son of Sh. Maha Singh resident of House no. 103/27 Subhash Nagar ,Rohtak Road Jind.(hereinafter referred to my client ) I hereby serve upon you with the following legal notice –cum Final Demand Notice of CWP for the redressal of grievances of my client:-

1. That the my client was appointed as clerk on 14.3.1967 on ad-hoc basis and later on, he was regularly selected by the erstwhile S.S.S. Board vide letter no 2R-01-01-1971 dated 12.8.1971 and he joined your office on 24.9.1971 on the same post in the same department . My client possesses an unblemished record of his 41 years service and he has worked to the complete satisfaction of his superiors till the date of his retirement upon attained the age of superannuation i.e. 31.1.2008.
2. That my client has rendered total 41 years ( 1967 to 2008 ) prestigious service as clerk to your department/office without any complaint/inquiry /stigma but unfortunately , no promotion was given to my client during the 41 years of his service career, due to grave omission /error of your department (which is admitted and not disputed by your office ) . Lastly, on 31.1.2008 he was retired after attaining his age of superannuation as clerk without taking any promotion and without any type of blame.
3. That my client continued fighting for his promotion since beginning, when junior persons were promoted by your department/office and bypassed the statutory service rules-1955 i.e in the 1975 from the post of clerk to SDC, further in the year 1979, from the post of SDC to Deputy Supdt. and lastly in the year 2007 from the post of Deputy Supdt. to Supdt. But during his service career , he raised the objection through various representations against this illegal method adopted by your office but all in vain and no promotion was given to my client.
4. That my client also fought continuously of his legal right upon various platforms after his retirement (i.e in the year 2008) also and lastly, your office was constrained to accept his demand/ request and granted the three deemed date of promotion, i.e. as S.D.C, Accounts clerk and Deputy Superintendent w.e.f 4.3.1975, 7.9.1979 and 24.11.1995 respectively vide letter dated 29.7.2019,which is attached herewith.
5. That now your department has granted three promotions from the various deemed date, but now, one year 8 months have been lapsed, no monetary/consequential benefit arisen from letter dated 29.7.2019 has been granted till date i.e pay him the difference of salary etc. between due and drawn.
6. That now age of client is 72 years and he is suffering from various ailments /diseases but your office has not been paid signal penny till date. My client is running from pillar to post being senior citizen and your official every time stated that your case has been sent for sanction at Head Office. *This is your bounded duty to release all the arrears to my client. It is further to mention here that you are doing step-motherly treatment in the case of my client which is continuing ,as no arrear has been given as yet.*
7. *That there is sufficient judicial weight of precedents in favour of my client because you want to unsettle the settled position for the benefits which arisen vide letter dated 29.7.2019* considering it notional promotion instead of deemed date of promotion.
8. You are , therefore , requested through this Notice to release the arrears/all consequential benefits to my client along with 18%p.a. from the due date which arisen from the letter dated 29.7.2019 to my client **with in a pried of 15 days** from the date of receipt of notice failing which my client will be left with no other alternative except to file the writ petition in the Hon.ble Punjab & Haryana High Court, Chandigarh and in that case all the concerned authorities shall be responsible for all types of costs and litigation expenses . Please take this notice and ensure compliance.

A copy of this notice has been retained in my office for further reference and record.

**Encl.** **letter dated 29.7.2019**

Yours faithfully

SURESH AHLAWAT

P.W. IRRIGATION & WATER RESOURCES DEPARTMENT ,HARYANA,PANCHKULA

**“ OFFICE ORDER”**

NO.2906/A-1/NGE-1/2019 **DATED : 29.7.2019**

Sh. Manphul Singh Saini, Sub Divisional Clerk (Retired) of Irrigation & Water Resources Department Haryana, is hereby granted deemed date of promotions as S.D.C., Accounts Clerk and Deputy Superintendent with effect from 4.3.1975, 7.9.1979 and 24.11.1995 respectively i.e. date of joining as S.D.C. in HSMITC (Now Defunct) and date of promotion as Accounts Clerk and Deputy Superintendent of Sh. Subhash Chander Kumar ,Deputy Superintendent ( Retired) ,who was much junior to Sh. Manphool Singh Saini ,as per state level combined seniority list of S.D.C. issued vide General Manager, Irrigation & W.R. Department Haryana letter no.9792-9897/5NGE-1/95/607/71 dated 30.10.1995.

Dated: Panchkula Birender Singh

The 25th Julay,2019 Engineer-in-Chief,

Irrigation& W.R. Deptt., Haryana

Endstt. No. 2907-19/A-1/NGE-1/2019 Dated : 29.7.2019

Copy of above is forwarded to the following for information and necessary action.

1. A.G. ( A& E ) Haryana ,Sector-33-B Chandigarh
2. S.E. YWS Circle, Jind . The services book of the official is returned herewith Please acknowledge its receipt.

3. Registrar ,office of the Hon,ble Lokayukta Haryana Chandigarh w.r.t. complaint no. 294/16.

4. Sh. Manphul Singh Saini, SDC (Retd.) H.No. 103/27 Subhash Nagar .Rohtak road –Jind.

Establishment Officer

DA/Service For Engineer-in-Chief,

( for Sir.no.2) Irrigation & W.R. Deptt., Haryana

**HARYANA IRRIGATION DEPARTMENT ,PANHKULA**

**“OFFICE ORDER”**

Consequent upon recommendation of the Departmental promotion Committee vide its meeting held on 21.3.2007 ,the following Deputy Superintendant of Haryana Irrigation Department (Circle office) are hereby promoted to the post of Circle Superintendents in the pay scale of Rs. 6500-200-8500-EB\_200-10500:-

Sir. No. Name of the Officials

1. Sh. K.L. Wadhwa
2. Sh. Hem RajGarg
3. Sh. Gopal Ballabh
4. Smt. Raj Rani
5. Sh. Ishwar Lal Coswami
6. Sh. Shyam Lal
7. Sh. O.P. Arora
8. Sh. Siri Krishan
9. Sh. Tikka Ram
10. Sh. S.C. Singla
11. Sh. S.S.Nagpal
12. Sh. Naresh Chander
13. Sh. Harish Kumar

The promotion of the above official shall be subject to the approval of the Commission ( HSSC)

They shall be on probation for a period of one year

Their promotion shall be subject to the outcome CWP no.8267 of 2005 (Om Parkash vs State of Haryana and Others ) and C.W.P. No. 1305 of 2007 ( O.P. Goyal vs State of Haryana ).

The above named officials would have continued to officiate as Dy. Supdt had they not been promoted as Circle Supdt..

Consecuent upone promotion as Circle Superintendent ,they are posted as per details given below:-

Sr. No. Name From To Remarks

1. K.L. Wadhwa YWS Circle ,Delhi Const, Circle A/V
2. Hem Raj Garg YWS Circle,Jind Const, Circle A/V
3. Gopal Ballabh Project Circle PKL HKB A/V
4. Raj Rani Vig.Circle Pkl Vig.Cirle Pkl A/V
5. .Ishwar Lal Coswami Const. Circle Rohtak Cons Circle Karnal A/
6. Shyam Lal YWS Circle Rohtak LWS Circle Bhiwani A/S
7. O.P. Arora Project Circle Pkl, Project Circle Pkl A/S
8. Siri Krishan JLN Circle Rewari JLN Circle Riwari A/S
9. Tikka Ram Const. Circle Sonopat Const, Circle Sonopat A/s
10. S.C. Singla Const. Circle Rohtak VigCircle Rohtak A/s
11. S.S.Nagpal Vig.Circle Rohtak YWS Circle Bhiwani A/S
12. Naresh Chander BWS -1 Hisar BWS -1 Hisar A/S
13. Harish Kumar JLN Circle Narnaul JLN Circle Narnaul A/S

The post of s/ Sh. Ram Kumar, RamPhal, Shiv Kumar have been kept reserved for want of record/pending disciplinary proceeding.

J.S. Ahlawat

Dated Pkl. Engineer-in-Chief

11th April, 2007 Haryana ,Irrigation Deptt.

Panchkula

En. No. 1394-1444/2NGE-1/2007 **Dated 11.4.2007**

General Manager

Irrigation Depart. Haryana

Chandigarh

All Superintendent Engineers

Irrigation Depart. Haryana

**Subject:- Final seniority list of Sub Divisional clerks as per Circle Clerical ( Group- C) Service Rules- 1982**

The tentative seniority list of Sub Divisional clerks working in the irrigation department, Haryana was circulated vide this office letter no. 4175-4204/5NGE -1/95/507/71 dated 10.5.1993 for bringing omissions/corrections, if any , to the notice of this office for taking necessary action in this regard to the finalization /issue of the final seniority list have been incorporate in the seniority list and the same has been finalized .

The final seniority list of Sub Divisional Clerks therefore, sent herewith which may please be circulated for all concerned .

The receipt of final seniority list of SDC’s please be acknowledged .

Sd/- 31.10.1995

Establishment Officer

For General Manager /projects,

Irrigation Department Haryana, Chandigarh

No. 1828-5 NGE-1/95/607/71 **Dated 30.10.1995**

1. 2. 3. 4. 5. 6.

450. Manphul Singh 1.1.1948 21.9.1971 4.3.1975

xxxxxx

488. Hem Raj Garg 2.1.1952 16.8.1971 17.3.1976

xxxxxx

506. Suresh Chand Singla 8.4.1951 30.8.1971 13.8.1976

xxxxxx

644. Raj Rani 11.6.1953 12.9.1971 12.4.1977

xxxxxx

671. Gopal Ballabh 18.8.1950 6.1.1972 29.9.1977

xxxxxxx

685. Tikka Ram 10.4.1949 10.11971 29.11.1977

xxxxxx

702 Naresh Chand 12.7.1958 7.1.1971 21.12.1977

That the impugned letter dated 30.12.2020 (Annexure P-7) passed by the respondent no.2 is illegal, unjust, unwarranted and contrary to the policy and discriminatory, violative of Articles 14 and 16 of the Constitution of India and deserves to be set aside inter-alia on the ground mentioned here-in-below:-

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PUC is the case of deem date of promotion as SDC , Accounts Clerk and so on in respect of Sh. Manphul Singh Saini ,who had been retired on 31.1.2008 .The retiree has now again represented vide letter dated 17.7.2019 (PUC) stating therein that actually he has not been promoted from clerk to SDC the initial promotion under rule 8(ii) of the Notification of 1955 in force, He has also submitted some proof with photocopy of original notification ,transfer order no.814 dated 23.1.1975 and all other relevant documents to ascertain the correctness of the above stated facts and it has been found that his name was actually left out in his initial promotion from clerk to SDC in advertently due to reshuffling of staff to HSMITC during 1975 -- .On reverting the parents department, the S.E. did not pay any attention on his representation of promotion submitted vide S.E. SYL Ambala no. 777/PE dated 21.4.1977 (F/A) It is admitted to some extent that there was no injury on his pay as SDC in the department .If the retiree would have been promoted in time by the competent authority he would get early chance of further promotion as Accounts clerk during the 1978-79 like other and so on, according to his seniority .As per notification of 1955 in force S.E. was competent up to the rank of Accounts Clerk under rule 8(ii).

The retiree has submitted several representations as shown at sr. no. 13 F/F his letter dated 17.7.2019 but no action has been taken at that time.

On the revision of the pay scale of 2006 published on 30.12.2008 the retiree applied for proper pay fixation as per his seniority and entitlement .On denial the retiree made some representations to C.M. Window and some other higher authority ,these were endorsed to S.E. YWS Circle Jind to report the facts as the applicant remained and retired from the circle. The S.E. Jind mis-pleaded and wrongly recommended with concealment of record vide his office no. 1041-42/9EC dated 1.7.2015 (F/B) . Accordingly this office had submitted such reply to C.M. window and higher authority. An explanation of the then Circle Superintendent is required to be called for separately.

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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. \_\_\_\_\_\_\_\_\_\_\_\_\_OF 2021

Manphul Singh Saini ………….…Petitioner

VERSUS

State of Haryana and Others ------------Respondents

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NOTE: Rs.58.85/-

1. That the main law points involved in the writ petition are contained in para no. at page no.

2. Relevant Statutes/Rules: The Constitution of India.

3 Caveat petition filled :- No.

**Similar case if any**: . No

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 30 .03.2021 ADVOCATE**

**COUNSEL FOR THE PETITIONER**