

(2025) 12 P&H CK 0016

Punjab And Haryana HC

Case No: Civil Writ Petition No. 3715 Of 2016

Davinder Singh And Others

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision: Dec. 15, 2025

Acts Referred:

- Constitution Of India, 1950-Article 226, 227

Hon'ble Judges: Namit Kumar, J

Bench: Single Bench

Advocate: R.K. Malik, Anshul Labana, Charanpreet Singh, Harinder Sharma, Ajay Kumar Chaudhary

Final Decision: Partly Allowed

Judgement

Namit Kumar, J

1. The instant petition has been filed by the petitioners under Articles 226/227 of the Constitution of India, for claiming the following reliefs:-

....iv) a writ in the nature of certiorari be issued to quash the impugned decision (P-6) by which the respondent no.3 has been declared senior to the petitioners; and order dated 2.9.2014 bearing no.22/169/2014-C.1(3)/3895 dated 2.9.2014 passed consequently and further quash the order dated 27.6.2018/9.7.2018 vide which five more Assistant Registrars have been placed senior to the petitioners and further declare that petitioners are senior to respondent no.3 and entitled to be considered for promotion as Deputy Registrar from the date respondent no.3 has been promoted as Deputy Registrar and petitioners be granted all consequential benefits from the date respondent no.3 has been promoted with market rate interest;

v) in alternative the official respondents be directed to consider the claim of the petitioners for promotion as Deputy Registrar from the date respondent

no.4 has been promoted as Deputy Registrar and petitioners be granted all consequential benefits with market rate interest;

vi) a further writ in the nature of mandamus be issued to the official respondent to grant the scale for the post of Deputy Registrar from the date the petitioners are performing the duties and responsibilities of the Deputy Registrar and all arrears be released with market rate interest....;

2. On the last date of hearing i.e. 06.03.2025, the following order was passed:-

Learned Senior Counsel, in view of the petitioners having retired on attaining the age of superannuation, restricts the claim only to the salary for the period they worked on higher post, in this regard learned State counsel prays for time to obtain instructions.

Adjourned to 09.10.2025.

3. Learned senior counsel for the petitioners submits that vide orders dated 27.05.2015 and 11.08.2015 (Annexure P-8), the petitioners were posted against vacant posts of Deputy Registrars and have continued to perform the duties on the said posts till their actual date of retirement and, therefore, they are entitled for the pay scale attached to the said posts. He submits that the case of the petitioners is squarely covered by a Full Bench judgment of this Court in Subhash Chander Vs. State of Haryana and others : 2012(1) S.C.T. 603, wherein similar issue has been adjudicated upon by this Court and it has been held that the employee on performance of duties of the higher post is entitled to the pay scale attached to the said post.

4. Learned State counsel despite his best efforts could not refute the said contention raised by the learned senior counsel for the petitioners.

5. I have heard learned counsel for the parties and perused the record.

6. In para 17 of Subhash Chander's case (supra), it has been held by the Full Bench of this Court as under:-

17. In view of the above, the question posed in para No. 1 is answered in affirmative and it is held that if an employee is appointed to officiate on a post involving assumption of duties and responsibility of greater importance than those attaching to the substantive post then he would be entitled to the salary of his officiating post in higher grade. Accordingly, the petitioner is held entitled to the higher pay scale from the date he has assumed the charge of the post of Secretary with all consequential benefits including promotion. His pay may be re-fixed and the arrears of his pay shall be calculated from the date when he has been officiating on the post of Secretary, Municipal Committee. The payment of arrears shall be made within three months from the date of receipt of a certified copy of his order with all consequential benefits.

7. Consequently, the present petition is partly allowed. The petitioners are held entitled for the pay scale of the post of Deputy Registrar for the period they have actually performed the duties on the said post till the date(s) of their retirement. The said benefits be released to the petitioners, within a period of three months from the date of receipt of certified copy of this order.