



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CWP-17220-2016 (O&M)

Date of decision: 14.07.2026

Monika Dhankhar

...Petitioner(s)

Vs.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Manoj Chahal, Advocate
for the petitioner.

Mr. Harish Kumar Nain, D.A.G., Haryana,

NIDHI GUPTA, J.

Present Civil Writ Petition under Articles 226/227 of the Constitution of India has been filed by the petitioner for the issuance of a Writ of in the nature of certiorari to quash the impugned order dated 28.07.2016 (Annexure P-3) vide which the claim of the petitioner for fixation of her basic pay at proper stage i.e. Rs. 14880+5400 G.P.=20280/- in the pay scale of Rs. 9300-34800+5400 G.P. instead of Rs. 12090+5400 G.P.=17490/- and further a writ in the nature of mandamus directing the respondents to fix the basic pay of the petitioner at proper stage i.e. Rs.14880+5400 G.P.=20280/- in the pay scale of Rs. 9300-34800+5400 G.P. instead of Rs. 12090+5400 G.P.=17490/- as per her entitlement with effect from her joining along with all the consequential benefits and the arrears so calculated be granted along with 18% interest from the date of accrual till its realization.



2. It is *inter alia* submitted by learned counsel for the petitioner that vide order dated 08.10.2013 (Annexure P-1), petitioner was appointed as Senior Scientific Officer (Biology) (hereinafter referred to as "SSO") in pay scale of Rs.9300-34800 with Grade Pay of Rs.5400/- in PB-

2. Learned counsel contends that in actual fact, the basic pay of the petitioner ought to have been fixed as per Part-A Section II of the First Schedule under the Haryana Civil Services (Revised Pay) Rules 2008 which came into force w.e.f. 01.01.2006 and operating on the date of appointment of the petitioner; as per which it is provisioned that how the entry pay in the revised pay structure for direct recruits appointed on or after 01.01.2006 is to be fixed. As such, basic pay of petitioner should have been fixed to the tune of Rs. 14880+5400 G.P.=20280/- in the pay scale of Rs.9300-34800+5400 G.P. in PB-2; while the respondents wrongly fixed the basic pay of the petitioner as Rs. 12090+5400G.P=17490 at the time of joining which resulted into a loss of Rs. 2790/-per month in the basic and total a sum of more than Rs.5400/- per month.

3. It is further submitted by learned counsel for the petitioner that the respondent no. 2 has not even taken into account the fact that the petitioner was appointed in the pay scale of Rs. 9300-34800+5400 G.P. and as per provision of the first schedule attached with Haryana Civil Services (Revised Pay) Rules 2008 it is clear that basic pay of the petitioner is to be fixed to the tune of Rs. 14880+5400 G.P.=20280/-



which is being drawn by all the employees working under the Govt. in this pay scale.

4. Learned counsel for the petitioner further refers to the averments made by the petitioner in para 8 of the present writ petition to submit that one person who is junior to the petitioner namely, Ms. Priya Choudhary, promoted SSO/Diatmology, is getting more pay than the petitioner who is direct recruit in the same pay scale and the post but respondent no. 2 while passing the impugned order have not bothered to consider these facts. It is argued that therefore, the impugned order is also discriminatory.

5. Accordingly, the petitioner had made several requests to the respondents including submitting Representation dated 14.06.2016 (Annexure P-2) pointing out the loss as well as the discrimination caused to the petitioner due to getting lesser pay than her counterparts, who were working in the same pay scale. Petitioner had requested the respondents several times to remove the said anomaly. However, the respondent No.2 without considering the true facts and going through the provision for fixation of pay has rejected the claim of the petitioner vide impugned order dated 28.07.2016 (Annexure P-3).

6. It is accordingly prayed that:

“[ii] issue a writ of in the nature of certiorari to quash the impugned order dated 28.07.2016 (Annexure P-3) vide which the claim of the petitioner for fixation of her basic pay at proper stage i.e. Rs.14880+5400 G.P.=20280/- in the pay



scale of Rs. 9300-34800+5400 G.P instead of Rs. 12090+5400 G.P.=17490/- was rejected.

[iii] further a writ in the nature of mandamus directing the respondents to fix the basic pay of the petitioner at proper stage i.e. Rs.14880+5400 G.P.=20280/- in the pay scale of Rs. 9300-34800+5400 G.P instead of Rs. 12090+5400 G.P.= 17490/- as per her entitlement with effect from her joining with all the consequential benefits and the arrears so calculated be granted along with 18% interest from the date of accrual till its realization.”

7. *Per contra*, learned counsel for the State has vehemently opposed submissions advanced on behalf of the petitioner and contended that petitioner herself has relied upon order dated 16.12.2010 (Annexure R-1) passed by the Finance Department and has admitted that vide said order dated 16.12.2010, calculation regarding anomaly of pay scale/pay fixation had been clarified. It is submitted that pay of the petitioner has been fixed strictly as per the order dated 16.12.2010 (Annexure R-1). As such, there is no merit to the present Writ Petition and the same deserves to be dismissed.

8. As regards contention of the petitioner that person junior to the petitioner, namely, Ms. Priya Choudhary, SSO, is drawing higher pay scale, it is clarified that she is getting more pay than the petitioner due to her length of service. It is accordingly prayed that the present Writ Petition be dismissed.



9. No other argument is raised on behalf of learned counsel for the parties. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the petitioner.

10. Admittedly, petitioner was appointed as SSO vide order dated 08.10.2013. A perusal of the Finance Department order/Instructions dated 16.12.2010 (Annexure R-1) (at page 68 of the paper-book) shows that it is clearly stipulated therein as under: -

“Part-A

Entry Pay in the revised pay structure for direct recruits appointed on or after 01.01.2006 for the following posts mentioned in Section-II Part-B of first Schedule of HCS (RP) Rules, 2008:

4. Posts in Police Department (FSL Madhuban)

Sr. No.	Post	Existin g Scale	Revised/ Modified pay scales	Correspondin g pay Band and Grade Pay		Existing Entry Level Pay as per order dated 18.08.2009			Modified Entry Level Pay w.e.f. 01.09.2010		
				Pay Band	Gra de Pay	G r a d e P a y	Pay in Pay Band	Total	Gra de Pay	Pay in Pay Ban d	Total
(ii)	Sr. Scienti fic Officer	6500- 10500	8000- 13500	PB-2	540 0	5 4 0 0	12090	1749 0	540 0	120 90	17490

11. It is, therefore, crystal clear that said higher Pay scale is admissible to persons who were directly recruited on or after 1.1.2006. As the petitioner was appointed on 8.10.2013, viz after stipulated cut off date of 01.01.2006, the aforesaid pay scale would be admissible to the petitioner; which she is receiving.

12. Further, reliance of the petitioner upon Haryana Civil Services (Revised Pay) Rules 2008 (hereinafter referred to as “Rules 2008”)



notified vide Notification dated 30.12.2008 is misconceived as vide order dated 16.12.2010 issued under Rule 17 and Rule 19 of the aforesaid Rules 2008, it is stipulated as follows: -

“6. Accordingly, in exercise of the power vested under the provision of the rule 17 and rule 19 of the Haryana Civil Services (Revised Pay) Rules, 2008 and all other powers enabling the Government so to do, it is ordered that the existing provisions under FD Instructions bearing no. 1/83/2008-2PR(FD) dated 18.08.2009 and even no. dated 01.06.2010 (Entry Pay in the revised pay structure for direct recruits appoint on or after 01.01.2006) shall be omitted to be substituted by the following w.e.f. 01.09.2010:-”

13. Thus, reliance of the petitioner upon the Notification dated 30.12.2008 is misconceived.

14. As regards contention of the petitioner in respect of Ms. Priya Choudhary, the petitioner has averred in para 8 of the Writ Petition, which reads as under: -

“8. That one junior to the petitioner, namely, Ms. Priya Choudhary, promoted SSO/Diatmology, getting more pay than the petitioner who is direct recruitee in the same pay scale and the post but respondent no. 2 while passing the impugned order have not bothered to consider rather concluded that Ms. Priya Choudhary is getting more pay due to length of service. This clearly depicts light on the application of mind by respondent no. 2 either he is not clear on the issue that length of service in feeder cadre cannot be taken into account in pay fixation or he signed on whatever put before him by the accounts officer.”



15. The above averments do not mention the date on which Priya Choudhary was appointed. As such, it is not clear if Priya Choudhary is junior to the petitioner. However, at the time of arguments, it has been submitted by learned counsel for the petitioner that Priya Choudhary is junior to the petitioner as she was promoted as SSO only on 29.11.2013, and yet, was getting higher pay scale as claimed by the petitioner. Though in the Writ Petition no such averment has been made, Nonetheless, respondents in their reply on merits to said para 8, have stated as follows:-

“8. That in reply to the contents of para No. 8 of the writ petition, it is reiterated that Priya Chaudhary, SSO is getting more pay due to her length of service. The pay of petitioner has been correctly fixed in terms of order dated 16.12.2010 of Finance Department.”

16. It is, therefore, clarified that Priya Choudhary, although appointed to the post of SSO after the petitioner, was getting higher pay scale due to length of her service, which she had rendered before the said promotion as SSO; whereas petitioner had been directly recruited to the post of SSO vide order dated 08.10.2013 (Annexure P-1) on the recommendation of the Secretary, Haryana Public Service Commission, Panchkula. Moreover, the order/Instructions dated 16.12.2010 issued by Finance Department, have not been challenged by the petitioner.

17. Learned counsel for the petitioner is unable to controvert or dispute the above said facts and findings.



18. Keeping in view the above noted factual and legal position, present Civil Writ Petition accordingly stands **dismissed**.

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

14.07.2026

Divyanshi

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No

(NIDHI GUPTA)
JUDGE