

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

**CWP-12272-1995 (O&M)
Date of Decision : 01.07.2015**

Dariya Singh

..... Petitioner

versus

The Haryana State Small Industries & Export Cor. Ltd. & others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Dinesh Kumar Jangra, Advocate
for the petitioner.

None for respondent No.1.

Mr. Gaurav Jindal, Addl. A.G., Haryana
for respondent No.2 & 3.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (ORAL)

The brief facts of the case are that the petitioner joined the service as Senior Draftsman on 15.04.1981 in the pay scale of Rs.225-500 (unrevised). That pay scale was not identical with the pay scale that was being given to the Senior Draftsman working in various departments of the Haryana State which was Rs.350-500. Therefore the petitioner made first representation to this effect on 21.05.1981 and continued making so. Respondent No.1 had decided the representation

dated 31.10.1986 only and had rejected the same vide order dated 17.02.1987. Later the respondents revised the pay scale of Draftsman which falls in the lower category and brought it at par with their counter parts of the various departments but the pay scale of the petitioner was left un-revised.

Thereafter the petitioner filed CWP No.1178/87 claiming the pay scale of Rs.1640-2900 w.e.f. 01.01.1986 wherein a Division Bench of this Court passed the following order on 08.12.1992 :-

“Learned counsel submits that the respondent has recommended to the State Government to allow the petitioner the pay scale of Rs.1640-2900 with effect from January 1, 1986 and has placed on record a copy of letter No.HIEC/ESTT/EG-386/1275 dated 17.4.1992.

In view of the fact that the respondent has considered the petitioner's claim for grant of pay scale of Rs.1640-2900, learned counsel for the petitioner submits that the writ petitioner be dismissed as withdrawn. We order accordingly.”

Thereafter the petitioner again represented the respondents to consider his claim for removal of anomaly in pay scale in view of the written statement given by the respondents before this Court. Thereafter the respondent No.1 had approved the proposal for granting the pay scale of Rs.1640-2900 to the petitioner and thereafter the matter was sent to respondents No.2 & 3. The matter remained

under consideration with respondents No.2 & 3 and vide letter dated 04.08.1994 they informed the petitioner that his claim for removal of anomaly and granting the pay scale of Rs.1640-2900 had been rejected by the Board of Directors. Thereafter petitioner again represented to the respondents but to no avail. Hence the petitioner is before this Court.

It is not disputed that the respondent No.1-The Haryana State Small Industries and Export Corporation Limited (for short 'Corporation') had accepted the claim of the petitioner and had recommended to the respondent No.2-Department of Industries but the respondent No.3-The Haryana Bureau of Public Enterprises had declined the same.

Learned counsel for the petitioner has relied upon the decision of this Court in LPA No.383 of 2014 titled as “***Uttar Haryana Bijli Vitran Nigam Limited and another Vs. Pawan Kumar and others***” wherein this Court already held that every company or corporation is an independent body and the Haryana Bureau of Public Enterprises does not have any jurisdiction for interfering in their matters.

Learned Additional Advocate General is not in a position to counter this argument.

In these circumstances, it has to be held that the respondent No.3 had no jurisdiction to decline the claim of the petitioner to accept the claim of the petitioner has to be given effect to.

No other argument has been raised by the learned counsel for the petitioner.

Consequently petition is allowed. The respondents are directed to grant the pay scale of Rs.1640-2900 to the petitioner with all consequential benefits w.e.f. 01.01.1986.

Let the exact monetary benefits be worked out and release to the petitioner within a period of three months from the date of receipt of certified copy of this order, failing which, the petitioner would be entitled to claim the same with interest @ 8% per annum from the date/s the amount/s fell due till payment/s.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

01.07.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**