

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

206

**CM-2360-CWP-2016 in
CWP-16296-1995
Decided on: 26.9.2017**

**HARYANA WAREHOUSING CORPORATION GODOWN
KEEPERS/ACCOUNTS CLERKS UNION**

...PETITIONER

VS

STATE OF HARYANA & ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Jai Bhagwan Sharma, Advocate
for the applicants-petitioner.

Mr. Anil Mehta, DAG, Haryana.

Mr. Sandeep Modugil, Advocate
for respondent No. 3.

AJAY TEWARI, J.(Oral)

This is an application for modification/clarification of order dated 1.7.2015 passed by this Court in CWP No.16296-1995 and connected case. It is stated that when the writ petition was filed in the year 1995, there was a common situation for Godown Keepers and Accounts Clerks who had filed CWP-16296-1995. By the judgment and order dated 1.7.2015 the claim was allowed and the respondents were directed to grant the pay scale of 1400-2300 to the Godown Keepers with effect from 1.1.1993. It is pleaded that at the time when the petition was argued the case of the Accounts Clerks could not be agitated. It is further pleaded that prior to the Haryana Warehousing Corporation (Officers and Staff) Regulations 1994 which had come into effect

from 22.6.1994, the post of Godown Keepers and Accounts Clerks were interchangeable, having the same qualification, same pay scale and same nature of duties. The gradation list for both the posts was also combined and their promotion was also made from that combined gradation list. It was prayed that in view of this circumstance, the similar pay scale should have been granted to Accounts Clerks also with effect from 1.1.1993 i.e the date from which the Godown Keepers were granted this pay scale. In the reply, the assertion that the post of Accounts Clerks and Godown Keepers were interchangeable and were placed in the same gradation list and other equivalent facts have not been denied. The only argument raised is that when the Board of Directors revised the pay scale (which was accepted by the Court) that was related only to Godown Keepers.

In my considered opinion, once the essential equivalence and interchangeability of the posts of Accounts Clerks and Godown Keepers is not disputed it would not be just, fair or legal now to deny the Accounts Clerks the benefits of pay scale given to Godown Keepers. It cannot be lost sight of that the petition was filed more than two decades ago and it would be a source of great heart-burn if similarly situated employees are not given the same benefit which was granted to their counter parts. Consequently, the application is allowed and it is directed that the judgment and order dated 1.7.2015 would apply to the Accounts Clerks also.

26.9.2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No