

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

LPA No.107 of 2003

Date of Order: 20.08.2015

State of Haryana etc.

..Appellants

Versus

Surya Pal Singh etc.

..Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MS. JUSTICE NAVITA SINGH**

**Present: Ms. Shruti Jain, AAG, Haryana
for the appellants.
Mr.B.K.Bagri, Advocate,
for the respondents.**

RAJIVE BHALLA, J (Oral)

The appeal was filed by the State of Haryana, impugning order, dated 29.08.2002, passed in Civil Writ Petition No.17083 of 2000. The appeal was, vide order dated 30.07.2003, directed to be listed after the disposal of S.L.P. (Civil) No.20959 of 2002, preferred against judgment and order dated 05.07.2002, passed in Civil Writ Petition No.19722 of 1998, and then along with LPA No.106 of 2003, both involving similar issues.

LPA No.106 of 2003 (State of Haryana and others v. Subhash Chand Tuteja and others), was decided, on 08.10.2007, on the basis of order dated 02.08.2006, passed by the Supreme Court in Civil Appeal No.3250 of 2006 titled as **Commissioner and Secretary to Government of Haryana and others v. Ram Sarup Ganda and others**) in the following terms:-

“By the impugned judgment, the High Court has held that the respondents are entitled to get the ACP scales that are applicable to Group “C” post, but the Rules, as such, do not prove for that. The Rules say that if there are already upgradations, then the concerned employees are not entitled to the benefit of ACP scales. Nevertheless, if ACP scales are higher, they are certainly entitled to the AC scales at the starting point. The date of giving such ACP scales is the date of entry into the service and though these respondents are entitled to get ACP scales and get fixation of the ACP scales as applicable to Group “D” employees and in case there are anomalies to the effect that they receive lesser pay than their juniors working in the cadre/post, such senior Government servants are entitled to step up their salary to get it on par with the salary which is being received by their juniors.

In the result, all the appeals are partly allowed. The appellants shall revise the pay scales of the respondents. In case of any anomaly, if the employees who, on fixation of ACP scales, are in receipt of lesser salary than their juniors in the same cadre/post, then their salary shall be stepped up accordingly. Revised orders shall be passed within a period of two months of the receipt of the

copy of this order by the Government. However, if upon revision of the pay scales, any employee is liable to refund any amount, the Government shall not insist on refund of such amount. If any employee is entitled to get any amount by way of pay revision, the said amount shall be made available to him within a period of six months from the date of receipt of the copy of this order by the Government.

Consequently, the appeals are partly allowed with no order as to costs.”

The appeal is disposed of in terms of order dated 08.10.2007, passed in LPA No.106 of 2003 (State of Haryana and others v. Subhash Chand Tuteja and others).

**(RAJIVE BHALLA)
JUDGE**

**August 20, 2015
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**(NAVITA SINGH)
JUDGE**