

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

CWP No. 12656 of 2013 (O&M)

DATE OF DECISION : 25.08.02015

All Haryana Attorneys Welfare Association (Regd.) and others
.... PETITIONERS

Versus

State of Haryana and others
.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Ashish Aggarwal, Senior Advocate, with
Mr. Kulwant Singh, Advocate,
for petitioners No.1, 3 and 4.

Mr. Ravinder Malik, Advocate,
for petitioner No.2.

Mr. Sandeep Moudgil, Addl. A.G., Haryana.

* * *

SATISH KUMAR MITTAL, J. (Oral)

All Haryana Attorneys Welfare Association and its members have filed this writ petition challenging the Haryana Prosecution Legal (Group B) Service Rules, 2001, whereby the benefit of Special Pay has been denied to the Assistant District Attorneys and the Deputy District Attorneys.

Learned counsel for the respondents states that the issue of grant of Special Pay to the Assistant District Attorneys and the Deputy District Attorneys as Non Practising Allowance as per the communication dated 15.04.2015 by the office of the Additional Chief Secretary to

Government, Haryana, Administration of Justice Department, has been referred to the Pay Anomalies Commission. This fact has not been controverted by learned counsel for the petitioners.

Learned counsel for the parties have further pointed out that the petitioner Association had also filed CWP No. 2354 of 2013 in this court, wherein the issue of grant of ACP was raised and that matter has also been referred to the Pay Anomalies Commission. The said writ petition was disposed of by this court on 21.08.2015, while passing the following order :-

“On 13.08.2015, the following order was passed by this court :-

“The petitioner-All Haryana Attorneys Welfare Association has filed the instant petition challenging the ACP Rules 2008, on the ground of violation of rule 3(i) of ACP Rules. They claim that they should be granted Cadres/Posts of Group A,B,C, category.

Learned counsel for the respondent today has placed on record a communication/memo dated 15.4.2015, whereby the representations made by the similarly situated employees for claiming similar relief has been forwarded to the Pay Anomalies Commission. Learned counsel further states that the Pay Anomalies Commission will look into the matter and the decision will be taken soon.

In view of the said fact, learned counsel for respondent states that at this stage, the present writ petition be disposed of with liberty to the petitioners to

challenge the said recommendation of the Commission, if it goes against them.

Learned counsel for the petitioners states that he is appearing on behalf of Mr. Sanjiv Gupta, Advocate and seeks time to have instructions in the matter.

Adjourned to 21.8.2015.”

Today, learned counsel for the petitioners, after having instructions, states that this petition may be disposed of with liberty to the petitioners to challenge the recommendation of the Pay Anomalies Commission, if it goes against them.

Ordered accordingly. We hope that the Commission will take the decision expeditiously.”

Learned counsel for the parties submit that since the matter pertaining to the grant of Special Pay is pending with the Pay Anomalies Commission, therefore, at this stage, the petitioners do not want to press this petition with liberty that if decision of the Pay Anomalies Commission goes against them, it will be open for them to challenge the same.

Dismissed as not pressed with the aforesaid liberty.

(SATISH KUMAR MITTAL)
JUDGE

August 25, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE