

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 14018 of 2013 (O&M)

Date of decision: 12.02.2015

S.C.Kamboj

.. Petitioner

versus

State of Haryana and another

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Namit Kumar, Advocate
for the petitioner.
Mr. Kuldeep Tiwari, Addl. AG, Haryana.

Rajesh Bindal, J.

The petitioner retired from service on 31.03.2011. In the present petition, he is seeking direction to respondent No.2 for granting him super time-scale in the pay scale of ₹37400-67000+ GP ₹8700/- w.e.f. 01.02.2011 on the plea that a person junior to him, namely N.K. Ranga was granted that scale w.e.f. 01.02.2011 vide order dated 21.06.2012 after the retirement of the petitioner.

In the alternative plea is that in the cadre of *Excise and Taxation Officer*, super time-scale is granted to 10% senior most employees in that cadre. As per list *Annexure R-1*, annexed with the reply, N.K. Solanki had been appointed as IAS Officer on 01.04.2011. Meaning thereby, he had drawn the salary in super time-scale upto 31.03.2011, the date when the petitioner retired from service. Hence, the petitioner should be granted super time-scale on that date.

Stand of the respondents is that N.K. Ranga was wrongly granted Super time scale w.e.f. 01.02.2011 but his pay was never fixed

in the upgraded scale. When the matter came to the notice of the department, it was referred to the government for correction. The date has now been corrected as 01.02.2012 instead of 01.02.2011.

It was further submitted that N.K. Solanki was appointed as IAS Officer on 01.04.2011. Meaning thereby, he had drawn the salary in super time-scale upto 31.03.2011, the date when the petitioner retired from service. Hence, the petitioner is not entitled to super time-scale. It was further submitted by the respondents that even if the plea set up by the petitioner is accepted, still there was one more officer in seniority above the petitioner namely, Ashok Kumar, then he would be entitled to super time-scale and not the present petitioner.

After hearing learned counsel for the parties and having gone through the file, in my considered view, no case is made out for interference in the present petition. The first plea raised by the petitioner that a person junior to him, namely, N.K. Ranga had been granted super time-scale vide order dated 21.06.2012 w.e.f. 01.02.2011 is to be noticed and rejected as the date of grant of benefit to N.K.Ranga was corrected later on w.e.f. 01.02.2012 and did not draw any benefit for any period prior to that. The petitioner retired from service on 31.03.2011. The second plea raised by learned counsel for the petitioner is also liable to be rejected. Firstly, upto 31.03.2011, 27 senior most incumbents in the cadre of Excise and Taxation were drawing super time-scale and secondly, when N.K. Solanki was appointed as IAS Officer on 01.04.2011, he had drawn salary upto

31.03.2011, hence no vacancy was available on the date of retirement of the petitioner. Still further, there was one person senior to the petitioner available in the cadre.

For the reason mentioned above, the writ petition is dismissed.

12.2.2015
sd

(Rajesh Bindal)
Judge