

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

LPA No. 143 of 2015 (O&M)

DATE OF DECISION : 19.03.2015

Salauddin

.... APPELLANT

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present : Mr. Rajesh Lamba, Advocate,
for the appellant.

* * *

SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 09.12.2014 passed by the learned Single Judge, whereby the writ petition (CWP No.16371 of 2011) filed by the appellant challenging the fixation of his revised pay, copy of which was annexed with the petition as Annexure P-3, has been dismissed while observing as under :-

“The petitioner has approached this Court impugning the action of the respondents whereby his pay was reduced from ₹ 16,780/- to ₹ 13,500/-, claiming the same to be in contravention of the instructions dated 18.8.2009 (Annexure P1).

In reply to the petition, a specific stand taken by respondent no. 1 is that the petitioner being the drawing and disbursing officer had prepared his own bill and claimed

higher pay. The amount due to the petitioner was ₹ 13,500/- per month but he claimed ₹ 16,290/- from January, 2009 to July, 2009. When the pay bills were checked and finding that the petitioner had withdrawn excess amount, the pay of the petitioner was refixed correctly and excess paid amount was recovered in installments. The calculation of the pay of the petitioner has also been provided in the reply, which is extracted below:-

1	Existing Scale of Pay	4500-125-7000
2	Pay Band applicable	PB-2, 9300-34800
3	Upgraded to the Scale of Pay	Rs. 6500-10500 (Corresponding Grade Pay Rs. 4200)
4	Existing basic pay as on Nov. 2009	Rs. 4500
5	Pay after multiplication by a factor of 1.86	$4500 \times 1.86 = 8170$
6	Pay in the Pay Band PB-2	Rs. 9300
7	Pay in the pay band after including benefit of bunching in the pre-revised Scale of Rs. 4500-7000, if admissible.	Rs.9300 (being minimum – a benefit of Rs.9300-8170 = 1130/-)
8	Grade Pay attached to the scale of Rs. 3200-4900	Rs. 4200
9	Revised basic pay total of pay in the pay band and grade pay	$Rs.9300+4200=13500$

To the aforesaid calculation as provided in the reply filed, the petitioner has not filed any replication to claim that the calculation as made by respondent no. 1 is not in terms of the rules/instructions.”

During the course of arguments, it has not been disputed by learned counsel for the appellant that all the teachers who were appointed along with the appellant are getting the same salary, as fixed in case of the appellant. There is nothing special about the appellant for fixing higher salary. However, he himself fixed more salary, when he was discharging the

functions of the drawing and disbursing officer. The aforesaid fixation of salary has not been controverted. In view of these facts, it has been rightly held by the learned Single Judge that the appellant himself got his pay bill prepared and claimed higher pay, which was corrected later on by the authorities. Thus, we do not find any ground to interfere with the order passed by the learned Single Judge.

No merit.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

March 19, 2015
ndj

(SHEKHER DHAWAN)
JUDGE