

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

Date of decision: 13.07.2016

CWP No.2647 of 1994

Dr. Bansi Dhar Mehta

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Abhishek Yadav, Advocate, for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

Mr. H.S.Gill, Senior Advocate, with
Mr. Nitin Rampal, Advocate, for respondents No.3 & 4.

1. *To be referred to the Reporters or not?*
2. *Whether the judgment should be reported in the Digest?*

RAJIV NARAIN RAINA, J. (ORAL)

Heard. The petitioner was an employee of the Hansi Cooperative Spinning Mills Ltd., the 4th respondent, and working as a Compounder, which the petitioner says is equivalent to the post of Pharmacist. The Spinning Mills were taken on lease by the Haryana State Cooperative Supply and Marketing Federation Ltd. (HAFED) for an initial period of 5 years, which was extended till 2000, when the lease came to an end. Therefore, Mr. H.S. Gill, learned Senior Counsel, appearing for HAFED, the 3rd respondent, submits that the petitioner was never an employee of HAFED with subsisting employer-employee relationship. Thus, the petitioner is not entitled to fixation of pay in the revised grade of Rs.1600-2900/- or Rs.1400-2600/- with effect from April 12, 1988. It is the further stand of HAFED that the petitioner even does not possess the

qualifications prescribed in the Schedule to the rules of service. The petitioner was registered under Section 15(3) of the Punjab Ayurvedic and Unani Practitioners Act, 1963, as a Medical Practitioner under the Board of Ayurvedic and Unani Systems of Medicine, Haryana. Nothing in this case turns around possession qualifications since there is no direct relationship of master servant, and on the first issue, the petition deserves to be dismissed. In support of his stand, Mr. Gill has placed reliance on the Division Bench judgment of this Court rendered in Harish Chander & Others Vs. State of Haryana & Others, 2001 (3) SLR 115, which is a case direct in point relating to non-admissibility of revised pay scales to Sugar Mill employees, such as the petitioner herein. It was held in the ruling that the Hafed Spinning Mills, Hansi is only a subsidiary of the 2nd respondent therein and cannot be equated with employees of HAFED and the petitioner therein or any of its units as the former is a cooperative unit and HAFED had only taken over its management. According to the lease agreement drawn between HAFED and the Mill, the Mill is not a subsidiary of HAFED. Therefore, the Bench declined to give relief of revised pay scales notified on October 12, 1998 to the claimants in the aforesaid case. The Special Leave Petition carried by Harish Chander & Others before the Supreme Court failed and was dismissed by a speaking order dated November 25, 2003. Their Lordships of the Supreme Court had observed that HAFED and the Spinning Mill “don’t seem to constitute one establishment”.

For the aforesaid reasons, there is no life in this petition and it is hereby ordered to stand dismissed.

13.07.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE