

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

Date of decision: 12.12.2016

CWP No.12516 of 1999

Nirmal Sehgal & others

...Petitioners

Vs.

State of Haryana & other s

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Rohit Ahuja, Advocate, for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

Mr. Mohnish Sharma, Advocate, for respondents No.3 & 4.

RAJIV NARAIN RAINA, J. (ORAL)

The first relief based on the claim for redesignating the post of Auxillary Nurse & Midwife (ANM) as Multi Purpose Health Worker (MPHW) has been rendered infructuous since it is an admitted position in the written statement that the redesignation has taken place and the petitioners are satisfied on account of this. They are MPHWS. It follows a priori that with change of designation, the petitioners would stand automatically placed in the higher pay scale of ₹1200-2040/- w.e.f. 01.01.1994, as granted to their counterparts working in Government hospitals.

The petitioners are municipal employees. It is pointed out by the learned counsel representing respondents No.3 & 4 that some of the petitioners were originally appointed to the service of Faridabad Complex Administration while two others were direct recruits in Municipal Corporation, Faridabad after the Faridabad Complex Administration was

merged with the Municipality. It is the further argument of the respondents' counsel that the actual monetary claim can flow only from the date when the post were redesignated and not from the earlier date. This contention is sound in law and the petitioners would have only a right to the higher pay scale from ₹950-1500/- to ₹1200-2040/- as per letter dated 22.03.1994 (Annex P-4) on the subject of 'revision of pay scales from the date when redesignation took place and from the date it was applied to the Municipality either by adoption or by sanction of the competent authorities. If the petitioners have been paid the enhanced pay scale w.e.f. from the date the redesignation took place in the municipality then no further orders are required to be passed and the petition would stand rendered infructuous on the second prayer as well.

In case, the actual benefit has not been paid to the petitioners, for any reason, the same will be paid to them within a period of two months from the date of receipt of certified copy of this order either from this Court or by the petitioners, whichever is earlier.

It may be clarified that the redesignation from the post of Auxillary Nurse & Midwife (ANM) to Multi Purpose Health Worker (MPHW) took place in the year 1991 vide Annex P-3, but the pay scales were granted only w.e.f. 01.01.1994 to Government employees vide letter dated 22.03.1994. Since the matter has been pending for sufficiently long time, the petitioners would also reap the benefit of pay revision meanwhile, as were paid to their counterparts employed in Government hospitals.

The petition is disposed of accordingly.

12.12.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No