

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14409 of 2000(O&M)

Date of decision:25.10.2016

Prem Singh Malik

... Petitioner

Versus

State of Haryana & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. NC Kinra, Advocate, and
Mr. Harsh Kinra, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, A.A.G., Haryana.

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner claims pay scale at par with his colleague, namely, Sh.Member Singh Balyan. They are similarly circumstanced on promotion as Class I Officers. They would be entitled to the pay scale of ₹ 8000-13500. However, by some quirk of fate, the petitioner found himself saddled with the lower pay scale of ₹ 6500-10500 which brought him to make a representation before the authorities but the same evoked no response from them. This led to the filing of this writ petition in the year 2000. The order impugned is dated September 11, 2000 which is at Annex P-7. The only reason to deny the claim is because the petitioner filed a writ petition in this Court, which is still pending. The Government took advantage of the matter being sub judice as a ground not to reconsider its decision.

2. On the other issue regarding promotion and experience of 5 years on a Class I post, Mr. Kinra submits that is of no moment in the present case because it is subject matter of another case filed by the

petitioner, which was pending at the time of admission of this case in 2001.

If the position in the impugned order remains current, the petitioner will never get relief until this petition is decided. The approach of the Commissioner and Secretary to Government of Haryana in the Department of Agriculture towards this end is highly perverse in holding back a just benefit only because the petitioner sought his legal remedies in a Court of law which he had every right to seek legal redress. If the department feels burdened with this litigation then I would remove the yoke and put an end to the stasis with the direction to the competent authority i.e. 1st respondent to do unto the petitioner as was done to Member Singh Balyan vide order dated March 24, 1990. Strange as it may seem, the petitioner and Member Singh Balyan were promoted to Class I service on the same day but by separate orders and the result thereafter has been put in different courses without just cause or legal justification.

3. As a result of the foregoing discussion, a direction is issued to the respondents to not only reconsider but consider the case of the petitioner forthwith and grant the relief at par with Member Singh Balyan on principles of parity of treatment, there being no distinguishing features in their cases. Since the petitioner is retired from service, the amounts will be determined by a direction with a declaration with retrospective effect from the date to treat both on principles of equality in Article 14 when the higher pay scale was given to Member Singh Balyan and the petitioner ignored. With the difference that in this the State would have to pay the brunt of interest on the arrears of difference of pay scale/salary and emoluments to the petitioner on the principal amount to be calculated, with interest at the statutory rate available on deposits in the General Provident Fund as

notified from time to time falling between the date when the amount fell due till payment. These amounts be paid to the petitioner by November 30, 2016.

4. Accordingly, the petition is allowed.

(RAJIV NARAIN RAINA)
JUDGE

25.10.2016
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>