

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

Date of decision: 03.08.2016

CWP No.4507 of 1997

Haryana Cooperative Sugar Mills Officers Association (Registered)

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.K.Malik, Senior Advocate, with
Mr. Ramandeep Singh, Advocate, for the petitioner.

Ms. Shruti Jain Goel, AAG, Haryana.

Ms. Kshitija Mittal, Advocate, for
Mr. Pardeep Solath, Advocate, for respondents No.2 to 12.

RAJIV NARAIN RAINA, J. (ORAL)

Learned counsel for respondents No.3 to 12 submits that the revised pay scales have been granted to the members of the petitioning Association w.e.f. 01.07.2004 as further revised w.e.f. 01.09.2009. Relief which has come to the petitioners' Association is from the respondents and it may be noted that in exercise of original writ jurisdiction, this Court would not have even entertained this petition filed by an Association of Officers of Haryana Cooperative Sugar Mills claiming in prayer (iv) at the foot of the petition that they will be released pay scales on the Uttar Pradesh pattern as per decision dated 03.08.1990 (Annex P-1) and according to their entitlement.

In writ jurisdiction exercised under Article 226, this Court hears persons aggrieved. An Association of Officers', whether registered or not, with proof or not, cannot be said to be 'person aggrieved'. If the petition is treated as public interest litigation, then it would fail because there is no public interest litigation entertainable in writ proceedings in service matters in view of Duryodhan Sahu (Dr.) Vs. Jitendra Kumar Mishra, (1998) 7 SCC 273. Even the list of the members/officers has not been placed on the file to identify those for whom relief is claimed.

Having said so, the rights of the individual members cannot be taken away by the mere fact that they, or some of them, approached this Court by way of present writ petition. Since learned counsel for respondents No.3 to 12 has already stated that relief has been granted, then in case any further relief is claimable or is disputed, then individual members of the Association would be free to independently take recourse to their legal remedies in accordance with law provided no legal bars have meanwhile come into play or there is law which condones period spent in pursuing the present petition. This liberty will be theirs.

Disposed of accordingly.

[RAJIV NARAIN RAINA]
JUDGE

03.08.2016
Vimal

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*