

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

CWP No.7268 of 1997

Date of decision:24.8.2016

Giasi Ram & ors.

... Petitioners

Versus

State of Haryana & ors.

... Respondents

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

Present: Mr. Anand Bhardwaj, Advocate,
for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

1. Once upon a time, the pay scale of Lab Attendants and Clerks was equal in the Education Department, Haryana. However, after pay revision the pay scales of Clerks were revised and became higher than of the Lab Attendants. When pay was revised, the pay scale of Lab Attendants became ₹ 800-1150, whereas Clerks were in receipt of ₹ 950-1150. When the petitioners were promoted as Clerks in 1986-1987 from the feeder cadre of Lab Attendants within their quota, the scale of Clerks was higher than that of Lab Attendants and accordingly, the claim of the petitioners for higher standard pay scale on completion of 10 years of service has to be counted from the date when the petitioners were promoted as Clerks. And by the time they completed 10 years of service the Assured Career Progression Scheme had been put in place.

2. The case of the petitioners is that para. 5 of policy instructions dated February 8, 1994 specifically states that if the pay scales of promotional post and that of feeder post is the same then benefit

of higher standard pay scale will be granted. On the other hand, it is the stand of the State that total service in a particular group or cadre is to be kept in view while granting higher standard pay scale. The department to remove its doubts wrote a letter to the Finance Department, Haryana, seeking clarification vide letter dated December 29, 1995 and it was advised that the total service in a particular group i.e. cadre is to be kept in view. The petitioners were initially appointed as Lab Attendants in inferior Group D service and on the basis of provisions contained in their service rules they were promoted from Group 'D' to Group 'C' post. Those who had completed 10 years or more regular satisfactory service in Group C on or after January 1, 1994 as per the provisions of the scheme of February 8, 1994 they are entitled to the first higher standard pay scale of ₹ 1200-2040 w.e.f. January 1, 1994 and the second higher pay scale accordingly.

3. Learned counsel for the State says that para 5 of the said Government instructions is not tenable in the instant case. The petitioners have not put in 20 years service in a particular group i.e. Group C or D, hence, they are not entitled for second higher pay scale of ₹ 1400-2600 as claimed by them. The position has been clarified in Finance Department letter dated February 29, 1995 in the shape of point revised and clarification issued thereon which reads as follows:-

POINTS REVISED

There are employees who were initially appointed as Peon or Daftri. Some were already Matriculates and few others passed Matriculation examination during the service. On the basis of provisions contained in their

CLARIFICATION

Promotion in such like cases from Group 'D' to Group 'C'; is to be considered as non-existent while granting higher standard pay scales in Group 'C' post. Total service in a particular group is to be kept in view. Employees

POINTS REVISED

Service Rules they were promoted as Clerks i.e. from Group 'D' to Group 'C' posts. Such employees have completed more than 10 or 20 years of regular satisfactory service on or after 1.1.94. Whether promotion of such employee from Group 'D' to Group 'C' posts is to be considered as for the grant of higher standard pay scales.

CLARIFICATION

who have completed 10 years or more and 20 years or more of regular satisfactory service in Group 'C' are to be granted 1st and 2nd Higher Standard pay scales, as the case may be subject to fulfilment of other conditions.

4. The clarification by FD is clear enough and explicit and requires no further elaboration as it speaks for itself and thus no interference is warranted by this Court. Hence, there is no merit in this petition and the same is hereby ordered to stand dismissed.

(RAJIV NARAIN RAINA)
JUDGE

24.8.2016
monika

Whether speaking/reasoned

Yes

Whether Reportable:

No