

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.5398 of 1998 (O&M)
Date of Decision:- 17.05.2016

Vinod Kumar and another

....Petitioners

Versus

CCS, Haryana Agricultural University, Hisar and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Kamal Sharma, Advocate
and Mr. Subhash Ahuja, Advocate
for the petitioners.**

None for the respondents.

RITU BAHRI, J. (Oral)

Petitioners are seeking directions to the respondents to grant the benefit of revised pay scale of ₹1200-2040 w.e.f. 01.05.1990 instead of 19.06.1997.

Petitioner No.1 has joined the respondent-University as Book Binders on 31.01.1979 and petitioner No.2 joined on 19.05.1980. Petitioner No.1 was appointed in the respondents-University on the basis of his technical qualification in the Trade of Book Binding certificate (Annexure P-1), issued by the National Council for Training in Vocational Traders, Ministry of Labour, Government of India. Petitioner No.2 was also similarly trained in the trade of Book Binder and was issued the necessary

certificate (Annexure P-2), by the National Council for Training in Vocational Traders, Ministry of Labour Government of India. The pay scales of the employees of the respondents-University were revised on the pattern of the State Government employees after getting the same approved from the Government in view of the decision of the Board of Management taken in its 65th Meeting held on 20.12.1979 (Annexure P-3). The Government revised the pay scales of its employee w.e.f. 01.01.1986 on the basis of recommendations of the 4th Pay Commission and granted the pay scale of ₹950-1500 to the Book Binders. Thereafter, the petitioners were also granted the revised pay scale of ₹950-1500. Thereafter, the Government of Haryana further revised and modified the pay scales of the “technical posts” including those of Book Binders as under: -

<i>Name of the post</i>	<i>Existing pay scale as on 1.1.86</i>	<i>Modified scale of pay w.e.f. 1.5.90</i>
General Recommendations regarding technical posts in various Departments for which minimum Educational Qualification prescribed is Matric with ITI Certificate/Polytechnic	750-940 775-1025 800-1150 950-1400 950-1500	1200-2040 (It has been decided that further recruitment of Non-Matric be stopped)

In view of the recommendations of the Board of management, the respondents-University referred the matter to respondent No.3 for its approval. Thereafter, respondent No.3 instead of according its approval for the grant of revised/modified pay scale of ₹1200-2040 w.e.f. 01.05.1990 accorded its approval for the grant of said scale from “with immediate effect” i.e. 03.01.1997 (Annexure P-6). Hence, the present writ petition before this Court.

Learned counsel for the petitioners has referred to a decision made by this Court in **RSA No.5025 of 2013** titled **Vice-Chancellor, C.C.S.H.A.U., Hisar Vs. Mohinder Singh**, decided on 17.01.2014 whereby the appeal filed by the University had been dismissed. The plaintiff in that case had filed a suit for grant of the modified pay-scale of ₹1200-2040 w.e.f. 01.05.1990. The suit of the plaintiff was decreed by both the Courts below and the RSA filed by the University was dismissed. While dismissing the RSA, the judgment of the trial Court and first appellate Court are modified to the extent of grant of arrears and the same were restricted to 38 months prior to filing of the suit instead of 01.05.1990.

After going through the judgment passed in **RSA No.5025 of 2013** titled **Vice-Chancellor, C.C.S.H.A.U., Hisar Vs. Mohinder Singh**, decided on 17.01.2014, the case of the present petitioners is squarely covered with the said judgment. Accordingly, the present writ petition is allowed and directions to the respondents to grant modified pay scale of ₹1200-2040 and the arrears shall be restricted to 38 months prior to the date of filing of present writ petition. Further the respondents shall calculate the amount and pay to the petitioners, within a period of four months and thereafter a compliance report be sent to this Court.

May 17, 2016
naresh.k

(**RITU BAHRI**)
JUDGE