

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

CWP No.14531 of 2013 (O&M)

Date of decision: 18.01.2016

Diploma Engineers Association, Haryana (Regd.)

...Petitioner

versus

Haryana State Agricultural Marketing Board

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Malik, Senior Advocate,
with Ms. Rimple Kadyan, Advocate,
for the petitioner.

Mr. Ajay Jain, Advocate,
for the respondent.

RITU BAHRI, J.

Petitioner-association is seeking direction to the respondents to grant revised pay scale of Rs. 9300-34800/- + 5200/- Grade Pay (G.P.) w.e.f. 01.01.2006.

Petitioner is association of Junior Engineers working in the Haryana State Agricultural Marketing Board-respondent. A conscious decision was taken by the Government to grant new pay-scales, as sought by them, after completing 18 years of regular satisfactory service at par with the Junior Engineers working in Haryana PWD. Pursuant to the letter dated 05.09.2007 (Annexure P-2), a recommendation was made by the respondent-Board, which was approved by the State Government on 14.05.2008 (Annexure P-3), whereby a conscious decision was taken to give the pay scale of Rs.7500-250-10000-EB-250-13000 to the junior Engineers of the Board after completion of 18 years of regular and satisfactory service, who have not been promoted to the next higher post subject to the following

conditions:-

- (a) Junior Engineers in the pay scale of Rs.7500-250-10000-EB-250-13000 will be designated as Additional Sub Divisional Engineer and they will continue to discharge the duties of Junior Engineers with the new designation and pay scale;
- (b) Those Junior Engineers, who have already availed of the benefit of 2nd ACP pay scale of Rs.6500-10500 after 20 years regular satisfactory service, will not be entitled for the next stage of pay fixation; and
- (c) Junior Engineers eligible for the new time scale of Rs.7500-250-10000-EB-25013000 after completion of 18 years regular satisfactory service will not be considered for 2nd ACP pay scale on completion of 20 years of regular satisfactory service."

The aforesaid scales were again revised by the State of Haryana revised and all the Junior Engineers, who were getting the scale of Rs.7500-13000/- have been granted the scale of Rs.9300-34800/- + 5200/- G.P. w.e.f. 01.01.2006. The respondent-board also adopted the said scales vide resolution dated 19.01.2009 and sent the same to Government, which were approved by the Government vide letter dated 31.03.2009 (Annexure P-4). Thereafter, the respondent-board vide letter dated 11.01.2010 (Annexure P-5). However, the said scales were not granted till date. In this regard, a representation (Annexure P-6) was made to the respondent, but the said benefit has not been granted w.e.f. 01.01.2006. Hence, this petition.

Upon notice, written statement has been filed on behalf of respondent-board, wherein it has been stated that after receiving service books of all the officials, reference was made to the directions dated 05.09.2007 issued by the Finance Department, directing all the Heads of the Departments to give the revised pay scales w.e.f. 05.09.2007. Hence, the effective date of revision of pay scales has been given w.e.f. 05.09.2007 after completing 18 years of regular satisfactory service.

Heard, counsel for the parties.

A Division Bench of this Court in Vajender Sharma Vs. State of Haryana and others, CWP No.13489 of 1997, decided on 19.07.1998 (Annexure P-1) had considered a similar prayer made by the Junior Engineer working in the Haryana State Agricultural Marketing Board, where revision of pay scales had been granted w.e.f. 01.10.1994, whereas the Junior Engineers working in the State Government had been granted such benefit w.e.f. 01.01.1992. The said petition was allowed on the ground that only on account of financial constraints, revision of pay scales cannot be implemented from a different date in respect of the employees of Marketing Board. Their claim was legitimate.

Learned counsel for the respondent has not been able to controvert that the aforesaid judgment passed by a Division Bench of this Court has attained finality.

In view of the above, the present petition is allowed and the respondent-Board is directed to give the benefit of revised pay scales Rs. 9300-34800/- + 5200/- Grade Pay (G.P.) w.e.f. 01.01.2006 to those employees, who have completed 18 years of regular service till 01.01.2006. The other employees, who have completed 18 years of regular service after 01.01.2006, their respective dates for revised pay scales will be determined as per service book. The respondents are further directed to re-fix the pay of petitioner and release arrears in his favour within a period of three months.

(RITU BAHRI)
JUDGE

18.01.2016.
ajp