

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

Date of decision: 11.07.2016

CWP No.4739 of 2011

Mukesh Kumar Bhatnagar & others ...Petitioners

Vs.

State of Haryana & others ...Respondents

CWP No.9123 of 2011

Satish Kumar & others ...Petitioners

Vs.

State of Haryana & others ...Respondents

CWP No.23929 of 2011

Suresh Kumar & others ...Petitioners

Vs.

State of Haryana & others ...Respondents

CWP No.10917 of 2012

Daya Ram & others ...Petitioners

Vs.

State of Haryana & others ...Respondents

CWP No.16295 of 2012

Subhash Chander & others ...Petitioners

Vs.

State of Haryana & others ...Respondents

CWP No.18745 of 2012

Surinder Singh & others

...Petitioners

Vs.

State of Haryana & others

...Respondents

CWP No.11592 of 2013

Sukhdev Singh & others

...Petitioners

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Umesh Narang, Advocate, for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

1. *To be referred to the Reporters or not?*
2. *Whether the judgment should be reported in the Digest?*

RAJIV NARAIN RAINA, J. (ORAL)

This order will dispose of the above mentioned seven writ petitions, as common questions of law are involved in them, which can conveniently be decided by a common order. However, the facts are not necessary to incorporate in the order since a legal principle alone is involved in these cases, which issue is no longer res integra.

There can hardly be any doubt that the issue involved in all the writ petitions is covered by the decision rendered by the learned Single Judge of this Court in CWP No.11254 of 2010 (O&M) titled 'Neelam Rani Vs. The State of Haryana & others' decided on 15.05.2013. The intra court appeal against the order carried by the State of Haryana was dismissed as withdrawn with liberty to file a review application before the learned Single

Judge. Accordingly, LPA No.849 of 2014 (O&M) titled 'State of Haryana & others Vs. Neelam Rani' was disposed of on 19.05.2014. Review Application No.338 of 2014 preferred by the State of Haryana was rejected on 04.07.2014. Learned Single Judge stepped up the pay of the petitioner - Neelam Rani at par with juniors, who had come to receive higher pay. The Court applied the principle of non-discrimination as well to grant the relief. The positive finding returned was that the juniors in fact had come to secure higher salary and therefore, Neelam Rani was entitled to stepping up of her pay to the level of her juniors. When the order was not complied with, Neelam Rani was compelled to approach this Court by way of COCP No.657 of 2014 titled 'Neelam Rani Vs. Chander Shekhar & others' and during the pendency of which proceedings, an affidavit of compliance was filed by the Department to the effect that the amounts have been released to Neelam Rani which rendered the petition infructuous. Other similar matters have also been decided in the same line of reasoning including in CWP No.17164 of 2011 titled 'Bharat Bhushan & others Vs. State of Haryana & others' and CWP No.19810 of 2011 titled 'Dharmender Singh & others Vs. State of Haryana & others' decided on 29.01.2016 by the different learned Single Judge in terms of the ruling in Neelam Rani's case.

Learned State counsel can offer no resistance to the petition and, therefore, remains ad idem that these petitions deserve to be allowed as covered matter.

Consequently, all the seven petitions are allowed. The monetary benefits flowing from this order are directed to be calculated and paid to the petitioner(s) within a period of three months from the date of receipt of a certified copy of this order. The petitioner(s) would be entitled to simple interest at the rate of 6% p.a. on the payments to be disbursed on account of

the fact that the Department should have on its own accorded similar treatment to the petitioners in the wake of the decision rendered in Neelam Rani's case.

11.07.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE