

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

CWP No.17409 of 2016

Date of decision: 26.8.2016

Sat Pal Chauhan

... Petitioner

Versus

Punjab & Haryana High Court & anr.

... Respondents

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

Present: Mr. Anurag Goyal, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

The petitioner was an employee of one of the Subordinate Courts working as Superintendent. He was selected and appointed as a Reader on the establishment of this Court on August 3, 2012. Hon'ble the Chief Justice gave a premature increment to all employees on the establishment of this Court, who had spent one year of service on April 11, 2013. By then the petitioner had not put in the requisite period of service in the establishment of this Court entitling him to the benefit of premature increment.

Mr. Anurag Goyal argues that in the context of the decision, that the reason behind grant of premature increment to employees across board was for their sterling performance in their contribution in helping out in dealing with arrears of cases and clearance of backlog during the period September 1, 2012 to March 31, 2013 during which period admirably as many as 64031 old cases were disposed of by the High Court. The petitioner had joined the establishment before the period in

reckoning started on September 1, 2012 co-terminus with the end of the financial year and therefore he should also be held entitled to the monetary benefit by ignoring the cut off date i.e. March 31, 2013 even though he had not served for a year and 8 months' service should be equated and treated by fiction for partial contribution in the clearance of backlog cases from September 3, 2012 to March 31, 2013, short by about 5 months. The second argument raised is that the employees working in the Central Recruitment Agency at Mohali have also been granted the benefit, even though they are not on the establishment of this Court but employees of the state Government.

It is open to Hon'ble the Chief Justice in exercise of his special powers conferred by the Constitution of India to grant concessions to employees according to his wisdom of which he is the sole dispenser and repository of authority under Article 229 of the Constitution in the matter of pay and allowances of employees working under his control. The third contention is that the benefit of premature increment has been given to Judicial Officers posted on the establishment of this Court after having served for only 6 months during the relevant period then relaxation can be given in favour of the petitioner. The argument is misconceived since there is no invidious or hostile discrimination practiced between members of the staff as against the Judicial Officers posted in the High Court since they belong to different classes which are reasonably classified. The wisdom of the Chief Justice in conferring the benefit to a small group of persons for a shorter time period is not open to question and criticism on this ground especially

when the petitioner has no locus standi and himself does not fit into the scheme of grant of premature increment which was by way of expression of gratitude for which some parameters had to be prescribed and therefore a legitimate argument cannot be built on discrimination between the ministerial staff of establishment of this Court who were short of one year by the cutoff date and the Judges of the Subordinate or Superior Courts posted to the High Court to carry out onerous duties. No valid ground for interference is made out on any of the grounds pressed.

No merit. Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

26.8.2016

monika

Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No