

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.23591 of 2016

Date of decision:16.11.2016

Darshan Singh Rawat

... Petitioner

Versus

Haryana Financial Corporation

... Respondent

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

Present: Mr. Manu K. Bhandari, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

Mr. Bhandari has satisfied this Court that the petition does not suffer from laches and the petitioner has not been negligent in pursuing his legal remedy even though he stands retired from service on June 30, 2009. While he was in service and serving as Personal Assistant to the Chairman of the Haryana Financial Corporation, Chandigarh, his request dated July 25, 2007 for removal of anomaly in the pay scale of Steno Grade-II as revised in 1986 was kept in abeyance and the petitioner was informed vide letter dated September 4, 2007 of the status of the case as in abeyance, the matter in issue being sub judice in pending litigation before the High Court to await decision. Therefore, Mr. Bhandari says that the petitioner had no other option except to wait for the decision in CWP No.1909 of 1995 titled as 'Raghubir Sharma & ors. vs. State of Haryana & ors. Though the petitioner was not a party in that case but was claiming similar relief. *Raghubir Sharma's case* was decided on January 7, 2015 by the learned Single Judge with copy of judgment at Annex P-10. Mr. Bhandari informs that the order has been implemented qua the petitioners therein. The

petitioner has approached this Court in these circumstances seeking directions for similar relief. Since the matter is no longer *res integra*, it would not be necessary to issue notice of motion in this case only to await the response of the Corporation in the matter, which is already settled; firstly on the principle laid down positively in the case of Law Officers in the Corporation and secondly, for by reason of the same principle applied and settled by this Court for the ministerial staff of the Corporation in *Raghubir Sharma*. In CWP No.5993 of 1990 (Deva Singh v. The State of Haryana & ors.) and LPA No.1311 of 2011(Haryana Financial Corporation v. Deva Singh & ors.) arising out of it in *Deva Singh's* case which did not involve an employee like the petitioner working in the Stenography or Clerical line of the Corporation and therefore, the law in their case was for the first time declared on January 7, 2015 in *Raghubir Sharma's case*.

In these circumstances, it would suffice if a direction is issued to the respondent-Corporation to decide the representation dated March 14, 2015 submitted by the petitioner and while doing so to read the assurance given in the letter dated September 4, 2007 (Annex P-6) and pass an order removing the anomaly and granting benefits arising therefrom to the petitioner in the same terms as handed down in the order in *Raghubir Singh's case* which stands duly implemented (Annex P-10). In case, the petitioner desires personal hearing, the same shall be granted. The final orders be passed within two months from the date of receipt of certified copy of this order, in case hearing is required. In case not, then the order be passed within one month. Furthermore, in case, an adverse order is proposed or contemplated for any valid or germane reason, then it would be conveyed

to the petitioner and copy thereof filed by way of miscellaneous application
in this disposed of case for the perusal of the Court.

(RAJIV NARAIN RAINA)
JUDGE

16.11.2016
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>