

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 4446 of 2015

Date of Decision:- 30.03.2016

Ram Nath

....Petitioner

Versus

HSF of Consumers Coop. Whole Sale Stores Ltd. and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. K.L. Dhingra, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

Mr. Aseem Rai, Advocate
for respondent Nos.1 and 3.

RITU BAHRI, J. (Oral)

Petitioner is seeking directions for quashing of letter/order dated 08.08.2011 (Annexure P-6) whereby the Accountants (previously known as Section Officers) have been deprived the arrears of the revised pay-scales w.e.f 01.01.2006 to 17.09.2010, in view of judgment dated 03.11.2014 (Annexure P-7) passed in CWP No. 19102 of 2012 titled Sita Ram Barvaria and others Vs. State of Haryana and others.

Petitioner was working as Section Officer (later known as Accountant) in the Haryana State Federation of Consumers Cooperative Whole Sale Store Limited (hereinafter to be referred as “the Confed”) and he retired on 30.06.2007, after attaining the age of superannuation. The Confed has recommended the case of revision of pay scales of all the employees including the Accountants (earlier known as Section Officers) w.e.f. 01.01.2006 to the Director General, Food and Supplies, Haryana, vide letter dated 27.01.2009 (Annexure P-2). The said recommendation has been considered and the Government has allowed the revision of pay scales w.e.f. 01.01.2006, vide letter dated 15.07.2009 (Annexure P-3) but while revising the pay-scales of all categories of the employees of the Confed, the category of Accountant (Section Officer) was only left. Consequently, on a decision of Board of Directors of the Confed dated 02.12.2010, the matter was again considered by the Government and vide letter dated 18.07.2011 it has been decided that the revision of pay-scales of the Accountants w.e.f. 01.01.2006 but a condition has been imposed that the arrears of the revised pay-scales shall be admissible w.e.f. 18.09.2010. Thereafter, the Board of Directors of the Confed vide order dated 08.08.2011 declined the grant of said benefit w.e.f. 01.01.2006. Hence, the present writ petition before this Court.

Learned counsel for the petitioner submits that the impugned order dated 08.08.2011 (Annexure P-6) has already been set aside by learned Single Bench of this Court in **Sita Ram Barvaria and others** (**supra**) by following the judgment dated 16.08.2003 passed by this Court in **CWP No.448 of 1994** titled **Prem Raj Giri and others** Vs. **The**

Haryana State Cooperative Supply and Marketing Federation Ltd. and another and the LPA against the said order was dismissed by a Division Bench of this Court, vide judgment dated 08.01.2015 (Annexure P-8) whereby the Confed was granted time up to and including 31.03.2015, to implement the judgment dated 03.11.2014, passed by the learned Single Judge.

Learned counsel for the respondent(s) has not been able to contradict that the issue in the present case is squarely covered by the aforesaid judgment.

In view of above, applying the ratio of above-said judgment in the facts of present case, the present writ petition is allowed. Consequently, the petitioner is held entitled to grant of arrears of revised pay scales w.e.f. 01.01.2006 to 17.09.2010.

March 30, 2016
naresh.k

(**RITU BAHRI**)
JUDGE