

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

COCP 1809 of 2017

Date of Decision: July 18, 2017

Om Parkash

.....Petitioner

Vs.

S.S. Dhillon, IAS and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

-. -

Present:- Mr.R.N. Sharma, Advocate for the petitioner.

-. -

M.M.S. BEDI, J. (ORAL)

The petitioner being a Washer Boy had filed a writ petition for seeking the change of the post from Washer Boy to Helper which was allowed on December 8, 2016. The operative part of the judgment reads as follows:-

“As a result of the preceding discussion, this writ petition is allowed. The impugned order dated July 02, 1998 (P-10) is quashed. The petitioner is held entitled to be re-designated as Helper Mechanic and then promoted as Assistant Fitter etc. from the dates when his junior Ram Karan was re-designated and promoted to the higher posts. Accordingly, the General Manager, Haryana

Roadways, Jind/competent authority is directed to pass necessary office orders in implementation of the directions hereinbefore. The arrears of difference of salary of retrospective promotions be determined and paid to the petitioner actually from the date when the petitioner approached this Court in the first writ petition i.e. CWP No.800 of 1998 and prior to that the consequential benefits will accrue notionally. Let the final orders be passed and payments made within three months from the receipt of certified copy of the order.”

Pursuant to the above said directions, the General Manager, Haryana Roadways has passed the order annexure P-3, granting the following relief:-

“Therefore, your pay scale (300-430) has been changed from Washing Boy to Helper Motor Mechanic w.e.f. 4.5.1984 the date of change of post of junior Sh. Ram Karan and in the pay scale (950-1400) from 12.4.2017 on the post of Fitter and pay scale (5200-20200+2400 GP) from 15.1.2013 promoted on the post of Mechanic. You have filed CWP No. 800/1998 dated 20.1.1998 in the Punjab and Haryana High Court. Therefore, ordered to grant to you original benefits w.e.f. 20.1.1998.”

Counsel for the petitioner has submitted that the pay fixed is not at par with that of Ram Karan.

I have heard counsel for the petitioner and gone through the directions passed by this Court and the order passed by General Manager, Haryana Roadways. Apparently, there does not appear to be any willful disobedience of the order, however, in case petitioner has got any grievance regarding pay scale having not been properly determined, it is always open to the petitioner to avail the independent remedy i.e. by approaching the competent authority or availing any other remedy in accordance with law.

In view of the said circumstances, this petition is disposed of without prejudice to the rights of the petitioner to claim the relief of fixation of his pay in appropriate scale, as the Court is of the opinion that the circumstances do not warrant grant of any punishment to any respondent.

July 18, 2017
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether reportable:	Yes/No.