

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

CWP No.358 of 1996 (O&M)

Date of Decision:20.02.2017

J.S. Sheron and others

... Petitioners

Vs.

The State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. D.V. Sharma, Sr. Advocate with
Ms. Akshita Chauhan, Advocate for the petitioners.

Mr. Harish Rathee, Sr. D.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

The petitioners have sought for direction to extend the pay scale of Rs.2200-4000 on par with the Tehsildar.

Learned counsel for the petitioners submitted that under the Haryana Civil Services (Executive Branch) and other allied services consists of Assistant Registrar Co-operative Society, Tehsildar and other various posts. Till 1992 pay scale of the Assistant Registrar Co-operative Society was higher than the Tehsildar. In the year 1992, the pay scale of Assistant Registrar Co-operative Society and Tehsildar carry common pay scale of Rs.2000-3500. Thus, the pay scale of the Tehsildar was equated to that of Assistant Registrar Co-operative Society. When things stood thus, the respondents have enhanced the pay scale of the Tehsildar from Rs.2000-3500 to Rs.2200-4000 with effect from 8.6.1995 ignoring for extending identical pay scale to the Assistant Registrar Co-operative Society who are drawing higher pay than the Tehsildar till 1992. Thus, the petitioners-Assistant Registrar Co-operative Society are seeking direction to extend the pay as Rs.2200-4000 on par with the Tehsildar.

On the other hand, learned State counsel submitted that in their written statement they have stated that the petitioners are not entitled for pay as extended to the Tehsildar as they form a separate class of service and their nature of duties and responsibilities are entirely different. Therefore, they are not entitled for pay scale which has been enhanced to the Tehsildar from Rs.2000-3500 to Rs.2200-4000.

Heard learned counsel for the parties.

No doubt it is prerogative of the State in extending the pay scale or assigning the pay scale to each of the posts in various departments. In other words, it is a policy decision with reference to nature of duties, responsibilities, qualification and other related material. However, in the present case as is evident from the material the post of Assistant Registrar Co-operative Society and Tehsildar were part and parcel in Haryana Civil Services (Executive Branch) and other allied services. Upto 1992, the pay scale of Assistant Registrar Co-operative Society was much higher than the Tehsildar i.e. Rs.800-1600 whereas the pay scale of Tehsildar were Rs.700-1400. In the year 1992, the respondents have extended the pay scale of the Assistant Registrar Co-operative Society i.e. Rs.2000-3500 to Tehsildar. Further pay scale of the Tehsildar has been revised to Rs.2200-4000. At the same time the respondents have not taken note of the fact that the Assistant Registrar Co-operative Society who are drawing higher pay scale than the Tehsildar upto 1992 and further 1992 to 1995 both the Assistant Registrar Co-operative Society and Tehsildar carries common pay scale.

In view of these facts and circumstances, it is necessary to peruse the records by the concerned authority like Finance Department to rectify the pay scale of Assistant Registrar Co-operative Society in the

backdrop of the fact that the Assistant Registrar Co-operative Society carry pay scale higher than the Tehsildar prior to 1992 etc. Finance department is directed to examine the issue and take a decision whether the post of Assistant Registrar Co-operative Society in the revised pay scale of Rs.2200-4000 would be on par with the Tehsildar from 8.6.1995 or not? If the Finance Department feels that the pay scale of Assistant Registrar Co-operative Society is to be extended on par with the Tehsildar, in that event, the petitioners' pay scale be revised accordingly. Further the arrears of pay shall be extended to the petitioners. Such exercise shall be taken by the concerned respondent within a period of three months from today.

Writ petition stands disposed of.

20.02.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No