

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17752 of 2011 (O&M)
Date of Decision: August 01, 2017

Jai Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Lekhraj Nandal, Advocate, for the petitioner.
Mr.R.K. Doon, AAG, Haryana

Amol Rattan Singh, J. (Oral)

Civil Misc. no.2435 of 2017

By this application, the petitioner seeks to place on record certain documents as Annexures P-5 to P-9, the said documents being office orders issued by the respondents. The application is allowed, subject to all just exceptions, and the aforesaid office orders are taken on record as Annexures P-5 to P-9.

CWP no.17752 of 2011

By this petition, the petitioner is seeking the benefit of the first and second ACP scales in terms of the relevant rules notified by the State Government to that effect, claiming parity with his junior, one Pritam Dass, who has been granted the benefit of such scale w.e.f. 01.01.1996, as per Annexures P-8 and P-9.

In the written statement filed by the respondents, it has not been denied either that the aforesaid Pritam Dass is junior to the petitioner or that he has not been granted the benefit of those scales that are now being

sought by the petitioner.

The only reason for refusal, as given in the written statement, is that against the judgment of this Court, passed in CWP no.12831 of 2001, an SLP had been preferred by the State, which as per the respondents, was still pending on the date of filing of the reply, i.e. 25.01.2012.

However, learned counsel for the petitioner has produced in Court today a judgment of the Supreme Court, passed in a large Bunch of cases, the lead case being Civil Appeal no.3250 of 2006, (with one of the cases decided on 02.08.2006 being Civil Appeal No.3304 of 2006), which as per the learned counsel arose out of the judgment in CWP no.12831 of 2001.

By the aforesaid judgment of the Supreme Court, the State (appellants therein) was to revise the pay-scales of the respondents, in case of any anomaly to the effect that senior employees, on fixation of pay-scales were receiving lesser salary than their juniors in the same cadre/post. If so, it was directed that the salary of the seniors would be stepped up accordingly.

That being so, I see no reason not to allow this writ petition, which is consequently allowed.

The respondents are directed to step up the pay of the petitioner to the level of his junior, i.e. Pritam Dass, within a period of three months from the date of receipt of a certified copy of this order.

However, the arrears of the benefits to be granted shall be restricted to 3 years and 2 months prior to the date of filing of the writ

petition.

Since it is also the contention of the learned counsel for the petitioner that pursuant to the aforesaid judgment of the Supreme Court dated 02.08.2006, passed in Civil Appeal no.3304 of 2006 and connected matters, the Government has also issued instructions dated 23.11.2006, a copy of which has been produced in Court today, directing the concerned authorities in different Departments to take action in the light of the directions of the Supreme Court, and in the petitioners' case the plea taken is that the SLP is still pending, if that contention is found to be incorrect and the SLP has actually been decided by the Supreme Court, against the judgment passed by this Court in CWP no.12831 of 2001, the petitioner would also be entitled to interest @ 6% per annum, running on the arrears to be paid to him, of course with the arrears still limited to 3 years and 2 months prior to the date of filing of the writ petition.

August 01, 2017
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(**Amol Rattan Singh**)
Judge

Whether speaking/reasoned: Yes
Whether reportable: Yes