

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

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**CWP-17743-2014 (O&M)
Date of decision: 16.01.2017**

M.C.Gupta and others

....Petitioners

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Rajesh Arora, Advocate for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Durgesh Aggarwal, Advocate for respondent No.3.

P.B. Bajanthri, J. (Oral)

In the present writ petition, the petitioners have questioned the validity of order dated 02.06.2011 (Annexure P4) and communication dated 16.05.2014 (Annexure P8).

2. The petitioners are stated to be in the cadre of Junior Engineer with the respondent No.3. On 05.09.2007 the State-respondent rectified anomaly in respect of Ist and 2nd ACP scales of Rs.6500-9900 on completion of 10 years and Rs.6500-10500 as 2nd ACP after completion of 20 years of granting new pay scale of Rs.7500-13000 and after completion of 18 years while notification dated 05.09.2007. The petitioners are stated to have their grievance before the 3rd respondent. Pursuant to the grievance

of the petitioners' standing committee of public enterprises was held on 11.05.2011 and anomaly has been set right while giving effect w.e.f. 11.05.2011 instead of 05.09.2007 with reference to Annexure P1. Thus, the petitioners are aggrieved insofar extending the benefit of Ist ACP and 2nd ACP in the new pay scale w.e.f. 11.05.2011.

3. Learned counsel for the petitioner relied on Annexure P1 and further Annexure P5 wherein Haryana Urban Development Authority, Kurukshetra Development Board and Haryana Power Generation Corporation Limited have extended the pay anomaly of Ist ACP and 2nd ACP from 05.09.2007. These petitioners have been discriminated in extending the benefit of Ist ACP and 2nd ACP with reference to new pay scale w.e.f. 05.09.2007.

4. Learned counsel for the petitioner pointed out a communication by the Chief Administrator vide Annexure P6 dated 05.04.2013. In view of these facts and circumstances it is evident that there is discrimination among the petitioners and other board Junior Engineers in respect of extending the benefits of Ist and 2nd ACP with reference to new pay scale w.e.f. 05.09.2007. 3rd respondent has not assigned any reason as to why the petitioners are not entitled to Ist and 2nd ACP with reference to new pay scale w.e.f. 05.09.2007.

5. On the other hand, counsel for respondent No. 3 submitted that 3rd respondent is an autonomous body they can take a decision on their own and there is no infirmity in extending benefit w.e.f. 11.05.2011.

6. Perusal of records, it is evident that it is clear case of

discrimination among the two sets of employees. Merely there is a delay in taking decision to extend Ist and 2nd ACP in the new scale that does not take away the right to seek benefit on par with others w.e.f. 05.09.2007. No reasons have been assigned as to why Junior Engineers in respondent No. 3 are not entitled to benefit w.e.f. 05.09.2007.

7. The impugned orders dated 02.06.2011 and 16.05.2014 vide Annexures P4 and P8 respectively are set aside. The respondents are directed to re-examine the petitioners' claim relating to extending the benefit of Ist and 2nd ACP with reference to new pay scale w.e.f. 05.09.2007. The respondents are directed to take decision and extend all the consequential benefits including monetary benefits. within a period of 4 months from today.

16.01.2017

pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No