

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

212

**CWP-22060-2013 (O&M)
Date of decision:11.05.2017**

Anita Rani

....Petitioner

Versus

State of Haryana and others

.... Respondents

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

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

Mr. Ravi Partap, AAG, Haryana.

Ms. Kshitija Mittal, Advocate for
Mr. Pardeep Solath, Advocate for respondent No.3.

Mr. Kuldip Singh, Advocate for respondent No.4.

P.B. Bajanthri, J. (Oral)

Petitioner is legal representative of deceased Sh. Naresh Kumar, former employee of Central Cooperative Bank, Yamunanagar. Deceased employee has not been extended benefit of revision of pay w.e.f. 01.01.1996 pursuant to the resolution No. 4 dated 10.12.1998 on the score that deceased employee was dismissed from service on 03.05.2002 pursuant to the resolution No. 1206 dated 28.03.2002 under the provisions of the Haryana State Central Cooperative Banks Staff Service (Common Cadre) Rules, 1975.

Short question for consideration in the present petition is whether the deceased Naresh Kumar is entitled for revision of pay during the intervening period from 01.01.1996 to 03.05.2002 or not?

Official respondents vehemently contended that since deceased Sh. Naresh Kumar was facing disciplinary proceedings in the year 1995, which is continued and concluded in imposing penalty of dismissal from service on 03.05.2002, therefore, he is not entitled for revision of pay. It was further submitted that deceased employee is due to the Bank to the extent of Rs.64,000/- and it is to be recovered. Therefore, deceased employee is not entitled for revision of pay during the intervening period from 1.01.1996 to 03.05.2002.

The deceased employee was due for revision of pay as on 01.01.1996 and he was in service till 03.05.2002. Therefore, deceased employee is entitled for revision of pay and difference of pay during the intervening period from 01.01.1996 to 3.05.2002. Merely, because he was facing disciplinary proceedings which was concluded in imposing penalty of dismissal from service, does not affect the deceased employee's due of revision of pay w.e.f. 01.01.1996.

Learned counsel for the respondents further submitted that there is inordinate delay in approaching this court in respect of extending the benefit of revision of pay. Therefore, petition is liable to be rejected on the ground of delay. It is to be noted that revision of pay is continuing cause of action. Supreme Court has held in the case of ***MR Gupta versus Union of India*** reported in 1995 SCC (5) 628. Therefore, question of delay in the present case do not arise. Consequently, the official respondents are hereby directed to calculate the difference of pay (revised pay) of the deceased employee from 01.01.1996 to 03.05.2002 and disburse the same to the legal heir of the petitioner within a period of 3 months from today.

Insofar as recovery of Rs.64,000/- is concerned, which is stated to be due from the deceased employee is concerned, the respondent Bank is at liberty to take appropriate action in accordance with law.

CWP stands disposed of.

(P.B. BAJANTHRI)
JUDGE

11.05.2017

pooja saini

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No