

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Date of decision: 30.10.2017

1. CWP No.15280 of 2017 (39 cases)

Sudhir Kumar and others

... Petitioners

versus

State of Haryana and others

... Respondents

2. CWP No.15308 of 2017

Suman Bai

... Petitioner

versus

State of Haryana and another

... Respondents

3. CWP No.15359 of 2017

Akshay Kumar and others

... Petitioners

versus

State of Haryana and others

... Respondents

4. CWP No.21050 of 2017

Chaman Lal and others

... Petitioners

versus

State of Haryana and another

... Respondents

5. CWP No.21253 of 2017

Babli and others

... Petitioners

versus

State of Haryana and another

... Respondents

6. CWP No.21254 of 2017

Meenakshi and others

... Petitioners

versus

State of Haryana and another

... Respondents

7. CWP No.20864 of 2017

Om Parkash	... Petitioner
versus	
State of Haryana and others	... Respondents

8. CWP No.22108 of 2017

Sajjan Singh and others	... Petitioner
versus	
State of Haryana and others	... Respondents

9. CWP No.22400 of 2017

Rajinder Singh	... Petitioner
versus	
State of Haryana and others	... Respondents

10. CWP No.22791 of 2017

Jaipal and others	... Petitioners
versus	
State of Haryana and others	... Respondents

11. CWP No.22595 of 2017

Vijay Kumar and others	... Petitioners
versus	
State of Haryana and others	... Respondents

12. CWP No.22590 of 2017

Ramkesh and others	... Petitioners
versus	
State of Haryana and another	... Respondents

13. CWP No.22579 of 2017

Sushil Kumar and others	... Petitioners
versus	
State of Haryana and another	... Respondents

14. CWP No.18149 of 2017

Gitesh Parik and others	... Petitioners
versus	
State of Haryana and others	... Respondents

15. CWP No.18442 of 2017

Vinod Kumar	... Petitioner
versus	
State of Haryana and others	... Respondents

16. CWP No.22518 of 2017

Anil Kumar and others	... Petitioners
versus	
State of Haryana and others	... Respondents

17. CWP No.22162 of 2017

Mange Ram and another	... Petitioners
versus	
State of Haryana and others	... Respondents

18. CWP No.22095 of 2017

Rajeev Gandhi and others	... Petitioners
versus	
State of Haryana and others	... Respondents

19. CWP No.21970 of 2017

Hitesh Kumar and others

... Petitioners

versus

State of Haryana and others

... Respondents

20. CWP No.22197 of 2017

Braham Parkash and others

... Petitioners

versus

State of Haryana and others

... Respondents

21. CWP No.22417 of 2017

Bhoop Singh and others

... Petitioners

versus

State of Haryana and another

... Respondents

22. CWP No.22443 of 2017

Mast Ram and others

... Petitioners

versus

State of Haryana and another

... Respondents

23. CWP No.22974 of 2017

Anju Sharma and others

... Petitioners

versus

State of Haryana and another

... Respondents

24. CWP No.22951 of 2017

Meenakshi and others

... Petitioners

versus

State of Haryana and another

... Respondents

25. CWP No.22955 of 2017

Chander Parkashand others

... Petitioners

versus

State of Haryana and another

... Respondents

26. CWP No.27375 of 2016

Vikas Kumar and others

... Petitioners

versus

State of Haryana and another

... Respondents

27. CWP No.19978 of 2017

Anju Verma and others

... Petitioners

versus

State of Haryana and others

... Respondents

28. CWP No.22592 of 2017

Narender Kumar and others

... Petitioners

versus

State of Haryana and others

... Respondents

29. CWP No.23152 of 2017

Rakesh Kumar and others

... Petitioners

versus

State of Haryana and others

... Respondents

30. CWP No.23178 of 2017

Rajesh Kumar and others

... Petitioners

versus

State of Haryana and another

... Respondents

31. CWP No.23197 of 2017

Naresh Kumar and others

... Petitioners

versus

State of Haryana and others

... Respondents

32. CWP No.23208 of 2017

HC Ashok Kumar and others

... Petitioners

versus

State of Haryana and others

... Respondents

33. CWP No.23593 of 2017

Sushma Devi and aother

... Petitioners

versus

State of Haryana and others

... Respondents

34. CWP No.23828 of 2017

Raj Kumar

... Petitioner

versus

State of Haryana and another

... Respondents

35. CWP No.24019 of 2017

Anand Parkash and others

... Petitioners

versus

State of Haryana and another

... Respondents

36. CWP No.24062 of 2017

Raj Pal and others

... Petitioners

versus

State of Haryana and others

... Respondents

37. CWP No.24198 of 2017

Pardeep Kumar and others

... Petitioners

versus

State of Haryana and others

... Respondents

38. CWP No.24251 of 2017

Gulab Singh and others

... Petitioners

versus

State of Haryana and others

... Respondents

and

39. CWP No.24255 of 2017

Om Parkash

... Petitioner

versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.S.K.Yadav, Advocate,
Mr.A.K.Sharma, Advocate,
Mr.Minderjeet Yadav, Advocate,
Mr.J.L.Goyal, Advocate, for
Mr.Anurag Goyal, Advocate,
Mr.S.K.Malik, Advocate,
Mr.S.K.Verma, Advocate,
Mr.R.K.Sharma, Advocate,
Mr.Sunny Namdev, Advocate, for
Mr.Saurabh Dalal, Advocate,
Mr.Harish Nain, Advocate,
Mr.Kuldip Singh, Advocate,
Mr.Ajay Sharma, Advocate,
Mr.Nishant Arya, Advocate,
Mr.Balraj Singh, Advocate,
Mr.Harjit Yadav, Advocate,
Mr.Subhash Ahuja, Advocate,
Mr.Amit Aggarwal, Advocate, and
Mr.Jagbir Malik, Advocate,
for the petitioners

Mr.R.K.Doon, AAG, Haryana

AMOL RATTAN SINGH, J. (Oral)

In all these petitions, the petitioners are seeking a step up in their pay to the level of their juniors, who, it is stated, despite being junior, are drawing a higher pay than the petitioners, the disparity usually occurring in each case, upon revision of pay scales w.e.f. 01.01.2006.

(Thus, the petitioners in each petition are seeking a step up of their pay to the level of juniors specific to each petitioner/each set of petitioners, such juniors not necessarily being the same across the different petitions.)

2. Learned counsel for the petitioners all rely upon a judgment of a coordinate Bench of this Court, dated 15.05.2013, passed in Neelam Rani v. The State of Haryana and others (CWP no.11254 of 2010), in which case also the petitioner therein was in a similar situation, drawing a salary less than three of her juniors.

That petition had been allowed with a direction to the respondent-State to step up her pay to the level of her juniors, calculating the arrears for the particular period for which such less salary had been drawn by her. She was also granted interest upon the difference of pay, @ 6% per annum.

That judgment, in Neelam Ranis' case, admittedly became final up to the Supreme Court, though with the question of law left open by their Lordships.

3. These petitions had come up for hearing on different dates and had all been adjourned from time to time, with learned State counsel seeking time to take instructions as to whether the State wished to agitate

the matter afresh, in view of the fact that the Supreme Court had left the question of law open.

All the cases having been adjourned eventually till today, upon query, Mr. Doon, learned AAG, Haryana, submits that he has not received any instructions so far that the State wishes to re-agitate the whole matter.

That being so, despite a few months having passed with no arguments raised by the State, and no review application filed in the cases earlier decided in the light of Neelam Ranis' case, I see no purpose to keep these petitions pending further.

4. Consequently, these petitions are allowed in the same terms as Neelam Ranis' case (supra), with the competent authority amongst the respondents directed to consider the case of each of the petitioners for stepping up their pay scales to the level of their juniors, as per the ratio of the aforesaid judgment, and to pass a speaking order thereafter. The speaking order shall be passed in the case of each petitioner/identical set of petitioners within a period of 4 months from the date of receipt of a certified copy of this order.

5. If the case of each/any petitioner(s) is found to be covered by the decision in that case, the arrears of difference of pay be released to them within another period of 3 months thereafter, but with such arrears restricted to a period of 3 years and 2 months prior to the date of filing of the petition before this Court, by each particular petitioner.

On such arrears, the petitioners would also be entitled to interest @ 6% per annum, as was granted in Neelam Ranis' case.

6. It needs to be noticed that in Neelam Ranis' case, it is seen that

no restriction of payment of arrears was ordered, but that was obviously for the reason that she had stated that she was drawing less salary than her juniors from 01.07.2009, with the petition having been filed in the year 2010 itself, i.e. soon thereafter, hence there was obviously no need to restrict the arrears.

7. A photocopy of this order be also placed on the files of the other connected matters.

30.10.2017
pk/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No