

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

CWP No.18887 of 2016

Date of Decision:27.03.2017

Gaze Singh and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

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

Present : Mr. Manoj Chahal, Advocate for the petitioners.

Mr. Apoorv Garg, D.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant petition, the petitioners are claiming for technical pay scale of Rs.1200-2040 with reference to date of their regularization.

The petitioners are stated to have been appointed as Helper in the year 1987-88. Their services have been regularized in the year 1994 to 1996 on various dates. The petitioners have been extended the benefit of technical pay scale in the year 1999. When things stood thus, the petitioners had the grievance relating to date of regularization with reference to Government instructions that they are entitled for regularization as and when they completed 240 days. The same was rectified. Consequently date of regularization has been preponed to 1988-89. In view of the said development relating to date of regularization, the petitioners are seeking for technical pay scale from 1988-89 or from the modified date of regularization.

Short question for consideration in the present petition is whether the petitioners are entitled for technical pay scale with reference to modified date of regularization or not?

Order modifying the date of regularization was passed only in

the year 2014. In the year 2014, the State of Haryana passed an Act called The Haryana (Abolition of Distinction of Pay Scale Between Technical and Non-Technical Posts) Act, 2014 notified on 11.3.2014 (For short “2014 Act”). Under the said Act, Section 4 reads as under:

“4. The entry at serial number 3 under 'common category posts in the annexure to instructions bearing No.1/54/2PR (FD)-82 dated 30.03.1982 at serial number 40 in annexure A to instructions bearing No.6/23/3PR (FD)-88, dated 23.08.1990, No.6/23/3PR(FD)-88 dated 26.07.1991 and No.6/83/2009-3PR (FD), dated 09.08.2010 are hereby withdrawn and shall be deemed to have been withdrawn with effect from the date of their coming into force:

Provided that all those persons who had already been granted unconditionally the up-graded pre-revised pay scale and drawing the same before date of notification of the Haryana (Abolition of Distinction of Pay Scale between Technical and Non-technical Posts) Ordinance, 2013 (Haryana Ordinance No.6 of 2013). viz. The 10th December, 2013, shall continue to draw these pay scales, as a measure personal to them.”

Having regard to the fact that the State have taken a policy decision not to extend the benefit of technical pay scale and anomaly among technical and non-technical pay has been rectified by 2014 Act. Section 4 and its proviso is crystal clear that there is a protection for those who have been extended the benefit of technical pay scale. Undoubtedly, the petitioners have been extended the benefit of technical pay scale in the year 1996 to 1999 with reference to earlier date of regularization. In view of the later development that date of regularization is modified to the advantage of the petitioner, the petitioner cannot claim for technical pay scale from the modified date of regularization. The protection is only to the extent that where the technical pay scale has been granted. Since the petitioners have

been extended the benefit of technical pay scale in the year 1996 to 1999, the same cannot be modified. Such modification would be in violation of Section 4 of 2014 Act.

In view of the above, the petitioners have not made out a case so as to interfere in the matter.

Petition stands dismissed.

27.03.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**