

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CWP-5975-2015

Date of decision : 07.09.2017

Jagmohinder Singh Rana and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Sandeep Goyat, Advocate
for the petitioners.

Mr.R.K.Doon, AAG, Haryana.

AMOL RATTAN SINGH, J.(ORAL)

Learned counsel for the petitioners submits that though in all other respects the petitioners' case is covered by the ratio of the judgment of this Court in ***Vimla Kumari & others vs. State of Haryana & others, (CWP no.20812 of 2015) decided on 25.07.2017***, however, the additional issue in the present petition is the benefit of an increment to the petitioners for the period February 2006 to June 2006, in the pre-revised scale, after which they were to be granted another increment on 01.07.2006, in the revised scale.

In this regard, he relies upon an order of the Financial Commissioner & Principal Secretary to Government of Haryana, Department of Finance, dated 12.04.2012 (Annexure P-1), in which it is stated as follows in paragraph 3 thereof:-

“3. On further consideration and in exercise of the powers vested under Rule 17 and Rule 19 of the

Haryana Civil Services (Revised Pay) Rules, 2008 and Rule 26 and Rule 28 of the Haryana Civil Services (Assured Career Progression) Rules, 2008 and all other powers enabling the Government so to do, the government is pleased to decide that in relaxation of stipulation under Rule 10 of Haryana. Civil Services (Revised Pay) Rules, 2008 and under Rule 20 of Haryana Civil Services (Assured Career Progression) Rules, 2008, those State Government employees who were due to get their annual increment between February to June, 2006 may be granted one increment on 01.01.2006 in the pre revised pay scale as a onetime measure and thereafter will get the next increment in the revised pay structure on 01.07.2006. The pay of the eligible employees may be re-fixed accordingly.”

Mr. Doon, learned counsel for the respondent State, submits that subject to the right of the respondent State to appeal against the judgment in ***Vimla Kumaris' case (supra)*** (if such decision to appeal is taken), the case of the petitioners is otherwise covered by the said judgment.

As regards the 2nd issue raised in the present petition, he obviously could not also, refute the order passed by the Financial Commissioner on 12.04.2012 (Annexure P-1), which would also be borne out from the reply of the respondents in paragraph 3 of the written statement, where the said order has been referred to and admitted, with the same objection however taken as was taken in ***Vimla Kumaris' case (supra)***, to the effect that the UGC had made no such recommendations, which issue has already been dealt with by this Court in that petition.

Consequently this petition is allowed in the same terms as ***Vimla Kumaris' case (supra)***, with the additional direction that the

pre-revised scale, for the period February 2006 to June 2006, in terms of the order of the Financial Commissioner dated 12.04.2012 (Annexure P-1).

The benefits be granted to the petitioners, within a period of 3 months from the date of receipt of a certified copy of this order, restricting the actual arrears to a period of 38 months prior to the date of filing the present petition.

(AMOL RATTAN SINGH)
JUDGE

September 07, 2017.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No