

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 28918 of 2017

Date of decision : December 19, 2017

Jai Bhagwan

..... **Petitioner**

Versus

State of Haryana and others

..... **Respondents**

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present:- Mr. S. P, Chahar, Advocate
for the petitioner.

G.S. SANDHAWALIA, J (Oral).

The petitioner seeks benefit of grant of arrears of technical pay of ₹1200-2040/- w.e.f. 1.5.1990 along with consequential benefits.

The claim is based on the ground of parity with one Subhash Chander who has been granted the same benefits by the Additional District Judge, Rohtak vide judgment and decree dated 21.1.2016 (Annexure P-3). The respondents had accordingly been approached by serving legal notice dated 8.11.2016 (Annexure P-4) but the same has been replied vide letter dated 6.12.2016 (Annexure P-5) wherein it has been mentioned that the said case was different and the petitioner could not be given the same benefit as he had already been given the same as notionally as per orders of this Court.

It is not disputed that the petitioner has been granted the benefit in view of the order passed by this Court in CWP No. 304 of 2011 decided on 13.2.2012 (Annexure P-2). This Court itself had restricted the

arrears to 38 months preceding the date of legal notice dated 14.9.2010.

The relevant portion of the order reads as under:-

“In the light of the fact that the respondents have accepted the claim of the petitioner, the petitioner has been held entitled to the revision of pay and therefore, arrears also need to be disbursed to the petitioner in the light of the judgment of this Court passed in CWP No. 18754 of 1991 titled as 'Gurdev Singh and others Vs. State of Haryana and others' decided on 18.1.2010 but it shall be restricted to 38 months proceeding the date of legal notice dated 14.9.2010 (Annexure P-6)

Respondents are directed to disburse the arrears within a period of three months from the date of receipt of certified copy of this order.

Disposed of.”

The petitioner is thus bound by the said order and therefore, cannot claim anything over and above what has been granted in the litigation which was preferred by him. In such circumstances, the rejection by the respondents is justified and no case is made out for granting the benefits, on the ground that a similarly situated person has been granted the benefit from an earlier date.

The present writ petition is accordingly dismissed in limine.

(G.S. SANDHAWALIA)
JUDGE

December 19, 2017
archana

Whether speaking/reasoned	Yes
Whether Reportable	No