

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 9347 of 2016 (O&M)

Date of Decision : 20th February, 2017

Jagat Singh Yadav

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. B.K. Bagri, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

By this petition, the petitioner is claiming that an anomaly has arisen in the pay scale w.e.f. 1.1.1996 and the respondents have corrected the anomaly but are granting them the benefit from 01.08.2000. Some similarly situated employees who were Head Masters in the same pay scale as the petitioner (who is Lecturer) had approached this Court and it was held that the anomaly would have to be removed from the date of its occurrence i.e. 01.01.1996 by judgment (Annexure P-2). Admittedly, that judgment was upheld upto the Hon'ble Supreme Court.

The prayer made is that the respondents have similarly accepted that the anomaly arose in the pay scale of the petitioner from 01.01.1996 and, therefore, he should also be granted the benefit w.e.f. 01.01.1996. The petitioner had earlier filed a petition which was disposed of with a direction to respondents No. 2 to take

been appended with the present petition.

In the written statement the main ground taken to deny him the relief is that he had approached the Court after an inordinate delay of 15 years. In my opinion this delay would not work to completely disentitle the petitioner but would influence the relief to be granted to him.

In the circumstances, the writ petition is allowed. The respondents are directed to remove the anomaly and to grant the petitioner the grade w.e.f. 1.1.1996 instead of 01.08.2000. The actual benefits will, however, be granted to the petitioner for a period of 38 months since the filing of the first writ petition i.e. 17.09.2015. Let necessary exercise of granting him the arrears be made within four months from the date of receipt of certified copy of this order, failing which the petitioner would be entitled to interest also @ 12% p.a. from the date the amount fell due.

20th February, 2017

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No