

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 20.04.2017****RSA No.1864 of 2017 (O&M)**

CCS HAU, Hisar through its Vice Chancellor, Hisar, now through
University Librarian, Nehru Library, Chaudhary Charan Singh Haryana
Agriculture University, Hisar

...Appellant

Vs.

Mrs. Santosh Thakral & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Deepak Balyan, Advocate, for the appellant.

RAJIV NARAIN RAINA, J. (ORAL)**CM No.4513-C of 2017**

For the reasons stated in the application, the application is
allowed and the delay of 109 days in re-filing the appeal is condoned.

RSA No.1864 of 2017

Both the Courts below agreed that the plaintiffs were entitled to
receive pay on par with their junior.

The learned Civil Judge (Junior Division), Hisar in her
judgment and decree dated 22.11.2012 held the plaintiffs entitled to the scale
of ₹5000-7850/- on par with their junior, namely, Thanu Ram w.e.f.
01.01.1996 along with interest at the rate of 9% p.a. including arrears of
difference of pay. In appeal, the learned Additional District Judge, Hisar has
affirmed the judgment and decree.

Mr. Balyan argues that the plaintiffs had not completed 20 years of service on 01.01.1996 and, therefore, were not entitled to the ACP scale and that is how the plaintiffs were granted the 2nd ACP scale w.e.f. 01.11.1997 and 01.08.1998 respectively after completion of 20 years of regular satisfactory service. However, it transpired and it not disputed, that their junior Thanu Ram was given the ACP scale from 01.01.1996 and the benefit stands without revocation giving rise to equal treatment being similarly placed though it is differentiated in the eyes of the University. The argument is noticed only to be rejected. The lower Appellate Court decreed the suit on the principles of parity and equal treatment by extending the guarantee of Article 14. Therefore, the argument of inadmissibility to relief based on seniority is not sustainable.

Consequently, I find no error of law or fact in the judgments and decrees of the Courts below, which may give rise to any substantial question of law for determination of this Court in the instant second appeal. Accordingly, the appeal, being without merit, is dismissed.

20.04.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>