

MAHESH CHAND SHARMA & ORS.
VS
STATE OF HARYANA & ORS.

Present:- Mr. Lokesh Sinhal, Advocate
for applicant-respondent Nos.3 and 4.

Mr. Rajesh Arora, Advocate
for the non-applicants/petitioners.

Applicant-respondent Nos.3 and 4 have filed the present application for review of order dated 19.05.2016 on the ground that instructions dated 09.08.2010 had now since been withdrawn with retrospective effect by virtue of Section 4 of the Haryana (Abolition of Distinction of Pay Scale between Technical and Non-Technical Posts), Act, 2014 i.e. Haryana Act No.1 of 2014 (hereinafter to be referred as 'the Act').

On notice, the reply has been filed by the non-applicants/petitioners.

In the present case the petitioners were initially granted the benefit pursuant to instructions dated 09.08.2010, vide order dated 17.10.2012 (Annexure P-2). The present writ petition was allowed in view of judgment passed by this Court in case titled **Gurmit Singh Vs. State of Haryana**, in **CWP No.22614 of 2010**. It is not in dispute that the above-said judgment has attained finality and has been implemented by the Corporation. The petitioner's case was squarely covered by the said judgment and the respondents were directed to restore/grant the pay scale of ₹1200-2040 to the petitioners.

Perusal of the Act (Annexure P-4) shows that all the 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.

Since the applicants-respondents initially had allowed the pay-scale to the petitioners, vide order dated 17.10.2012 (Annexure P-2), therefore, the benefits already extended to the petitioners could not be withdrawn on coming of the Act (Annexure A-4).

After hearing the learned counsel for the parties, going through the facts of the case, no ground for reviewing of order dated 19.05.2016 is made out and the present review application filed by applicants-respondent Nos.3 and 4 is hereby dismissed.

April 19, 2017
naresh.k

**(RITU BAHRI)
JUDGE**