

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-708-1996 (O&M)

Date of Decision: 18.05.2018

Malkhan Singh & another

... Petitioners

Versus

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Bhagyashri, Advocate for
Mr. Vinod Bhardwaj, Advocate for the petitioner No.1.

Mr. Ayuwan Singh, AAG, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Instant petition was filed in the year 1996 raising a claim that the petitioners while serving as Laboratory Attendants under the Haryana State Technical Education Department were entitled to higher pay scale i.e. Rs.950-1500/- on the ground that other Laboratory Attendants were being granted such higher pay scale.

It may be noticed that an application had been moved on behalf of petitioner No.2 on 05.08.2015 seeking withdrawal of the petition on the ground that relief prayed for had already been granted. In view of such application having been filed, the instant writ petition qua petitioner No.2 was dismissed as withdrawn.

Accordingly, on the last date of hearing i.e. on 11.05.2018, learned State counsel was directed to complete instructions as to whether petitioner No.1 has also been granted similar relief.

During the course of hearing today, learned State counsel has furnished copy of Memo dated 17.05.2018 issued by the Principal, Government Polytechnic for Women, Sirsa and addressed to the learned

Advocate General, Haryana, the relevant contents thereof read as follows:

“In the above mentioned civil writ petition, it is submitted that this institute had already granted the higher pay scale i.e. Rs.950-1500/- w.e.f. 01.11.1996 vide office order No.129 dated 26.02.1998 and further it entered in the service book of Malkhan Singh at page no.20 part-I. It is stated that Sh. Malkhan Singh has given the undertaking on 18.12.1997, that if he would be granted the higher pay scale he would withdraw the civil writ petition filed by him in the Hon'ble High Court Chandigarh. The then Principal issued a letter to Malkhan Singh vide this office order no. GPW/P-142/2001/3682 dated 07.12.2001 to withdraw the above said civil writ petition within 7 days as committed by him in the affidavit.

This is submitted for your information and necessary action please.

DA/As above

*Principal
Govt. Polytechnic for Women
Sirsa”*

Clearly, petitioner No.1 has been granted the higher pay scale of Rs.950-1500/- w.e.f. 01.11.1996. Even though, Memo dated 17.05.2018 is silent on the aspect of arrears, yet learned State counsel upon instructions from Harish Chander, O/o Govt. Polytechnic for Women, Sirsa informs the Court that the arrears upon grant of higher pay scale have been released and paid to petitioner No.1.

In view of the above, the instant writ petition has been rendered infructuous and is disposed of.

18.05.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |