

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

**CWP No. 15350 of 2015**

**Date of Decision: 08.01.2018**

Manphool Singh and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

**CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA**

Present: Mr. Deepak Sonak, Advocate,  
for the petitioners.

Mr. Harish Rathee, Senior DAG Haryana.

Mr. R.D. Bawa, Advocate  
for respondent No.3.

**RAJIV NARAIN RAINA, J. (Oral)**

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for setting aside the impugned order dated 30.03.2015 (Annex P-5) for grant of pay scale of Rs.3,050 - Rs. 4,590/- and for granting the same from the date the Agenda Note had been approved by the Board of Directors of the respondent Board i.e. 07.05.2007 (Annex P-2) along with all consequential benefits including arrears.

2. In the wake of the order dated 04.11.2014 passed in CWP No. 3947 of 2013, in the case of the petitioners themselves, the learned counsel for the parties submitted that either the Haryana Bureau of

Public Enterprises or the Commissioner and Secretary, Co-operation Department, Haryana might be competent to take a final decision on the legal notice placed on record of that case (Annex P-4).

3. The final decision has been taken by the Commissioner and Secretary, Co-operation Department, Haryana rejecting the claim on the ground that there is no post of “Off-set Inkers” in HARCO Fed. and, therefore, there can be no comparison between the present petitioners and those who are working as 'Inkers' with the 'Off-set Inkers' in Haryana Government Press, Panchkula.

4. Against the adverse decision, the present petition has been filed. Replies have been filed by the State Government and the Federation. One thing appears clear, that the Haryana Bureau of Public Enterprises is not the authority to take a final decision on creation of posts and assigning pay-scales to them.

5. The petitioners have themselves invited the decision by the State Government in their previous petition. This flies in the face of the decision taken by the HARCO Fed. in its meeting held on 07.05.2007 under agenda item tabled at No.2 to consider the representation of “Off-set Inkers” to allow them pay-scale of Rs.3,050 - Rs. 4,590/-. As per Annex P-2 the agenda was approved and it was decided to send the case to the Haryana Bureau of Public Enterprises through Registrar, Cooperative Societies, Haryana for approval. In view of the stand of Haryana Bureau of Public Enterprises that it has no jurisdiction in the

matter, the State Government has already taken a decision against the petitioners.

6. Learned counsel for the petitioners has had to admit that the agenda item No.7 contained an incorrect assumption and in its approval since the representation was by 'Inkers' in the Federation and not by 'Off-set Inkers'. Be that as it may, it is his further submission that the Board may be asked to decide the case of creation of posts of 'Off-set Inkers'. Nothing can be said on this request by the writ Court since mandamus will not issue either to the Haryana Bureau of Public Enterprises or to the State Government to create a post with the higher pay-scale which does not exist in the respondent Federation. At best, the petitioners can approach through employer by raising a grievance before respondent No.3 for creation of posts of 'Off-set Inkers' and in case such a representation is made, I have no doubt that the Federation will pay due attention to the stagnation grievance and take a decision thereon within a reasonable time.

7. With the observations made above, the petition is disposed of.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

**08.01.2018**

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*Whether speaking/reasoned* : *Yes*

*Whether reportable* : *No*