

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.19144 of 2018
Date of Decision: 03.08.2018

Dimple and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Ajay Chaudhary, Advocate for the petitioner.

RITU BAHRI, J. (ORAL)

Petitioner is seeking direction to the respondents to grant the pay to the petitioner at par with their counter parts/juniors selected and appointed in the same selection/appointment list at the same post with all consequential benefits w.e.f. the date this anomaly has arisen along with interest.

Notice of motion.

Mr.Hitesh Pandit, Addl.A.G.Haryana, has appeared and accepts notice on behalf of respondent/State.

Learned counsel for the petitioner has referred to the order dated 15.05.2013 (Annexure P-3) passed in CWP No.11254 of 2010 wherein, it was allowed by giving directions to step up the pay of the petitioner at par with his juniors drawing so that her salary does not fall short of the salary which is earned by her junior. However, writ petition is allowed by giving directions to give similar relief to the petitioner by giving additional pay as well. Thereafter, SLP against this judgment was dismissed by the Hon'ble supreme court vide order Annexure P-5 on 17.10.2016. After dismissal of

the SLP, the similar benefit has been granted to the petitioner as referred to

the order passed in case of one Dharmender Kumar who had approached this Court vide CWP No.19810 of 2011 which was allowed in the same terms as CWP No.11254 of 2010 titled Neelam Rani Vs. The State of Haryana and others and pay of one Dharmender Kumar was refixed vide Annexure P-7 on 26.09.2016.

In the representation made by the petitioner Annexure P-8 dated 05.02.2018, wherein, in paragraph 3, the ground of disparity has been mentioned. In paragraph 3, it is stated that when the petitioners have been joined, their pay were fixed as $\text{Rs.}13860+4600=18460/-$ per month. The pay was refixed as per Government letter dated 18.08.2009 as $10,230+4600+3630= 18460/-$ per month but inspite of the above said fixation the pay was remained same amounting to $\text{Rs.}18460/-$ per month to all the counterparts but in the case of the petitioner, the pay was reduced to $\text{Rs.}14890/-$ ($\text{Rs.}10230 +4600/-$) excluding Personal Pay i.e. $\text{Rs.}3630/-$ and thus they are just being discriminated and their pay was reduced from $\text{Rs.}18460/-$ to $\text{Rs.}14830/-$ per month without assigning any reason or affording any opportunity of being heard.

By way of this writ petition petitioners are seeking to remove anomaly in their cases in terms of the judgment passed by this Court in the case of CWP No.11254 of 2010 titled Neelam Rani Vs. The State of Haryana (Annexure P-3) and they are praying for anomaly/difference of $\text{Rs.}3630/-$ may be removed and fixed the total salary of $\text{Rs.}18460/-$ ($\text{Rs.}13860/-$ as basis pay + $\text{Rs.}4600/-$ grade pay) as their counterparts i.e. Dharmenders and others have been given the same relief by way of filing CWP No.19810 of 2011 in terms of the judgment passed in Neelam Rani

After going through the contents of prayer in the writ petition and in view of the judgment passed Neelam Rani Vs. The State of Haryana (Annexure P-3), the present writ petition is disposed of and respondents are directed to look into the representation (Annexure P-8) of the petitioners and decide the same within 4 weeks in accordance with law.

(RITU BAHRI)
JUDGE

03.08.2018
anil

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No