

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 01.02.2018****CWP No.5405 of 2015**

Dale Singh

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Gagneshwar Walia, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

1. In the written statement filed by the General Manager, Haryana Roadways, Sonipat, it is averred that the petitioner retired from service on 31.08.2008, but he was not drawing any technical pay scale.

2. This petition was filed in 2015 claiming technical pay scale in terms of the judgment dated 07.12.2011 rendered in CWP No.8055 of 1988 titled 'Ram Swaroop & others Vs. The State of Haryana through the Commissioner & Secretary to Government, Haryana, Transport Department, Chandigarh and others' and other connected writ petitions.

3. The entire position has been altered in view of the promulgation of the Haryana (Abolition of Distinction of Pay Scale between Technical and Non-Technical Posts) Act, 2014, where the only protection lies in Clause 4. The relevant extract of Clause 4 reads as follows:

“Provide that all those persons who had been granted unconditionally up-grade pre-revised pay scale and drawing the same before the date of the notification of the Haryana (Abolition of Distinction of Pay Scale between Technical and

non-Technical Post) Act, 2014 shall continue to draw these pay scale as a measure personal to them.”

4. It has also been mentioned that earlier on, the petitioner had approached this Court by writ petition bearing CWP No.3565 of 2013, which was decided on 19.02.2013 with an ex parte direction to the respondent authorities to decide his representation dated 12.11.2012 for technical pay scales and in compliance thereof, an Office Order has been passed on 10.05.2013, which rejects the claim with reasons in writing. That order has not been challenged by the petitioner and instead this petition has been filed.

5. In view of the above, the cause of action never existed nor does it subsist and the case of the petitioner is aptly covered by the provisions of the Act. Consequently, the instant petition is dismissed being devoid of merit.

01.02.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*