

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

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**RSA-5358-2017 (O&M)
Date of decision:23.03.2018**

Manohar Lal

... Appellant

Versus

CCS, HAU, Hisar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Subhash Ahuja, Advocate for the appellant.

P.B. BAJANTHRI, J. (ORAL)

On 29.01.2018 following order was passed:-

“Appellant has given up claim in respect of regularization to the post of Class-III. The other issue is relating to entitlement of pay scale attached to the post of Agriculture Inspector for which he is directed to produce relevant document like notification or regulation to the extent that post of Agriculture Inspector carries a particular pay scale and the appellant has been extended less than the pay scale attached to the post of Agriculture Inspector.

List this matter on 05.03.2018”

Learned counsel for the appellant submitted that his grievance would be restricted to entitlement of pay scale attached to the post of Agricultural Inspector @ Rs. 950-1500 w.e.f. 13.11.1991 even to this day.

It is to be noted that on 13.11.1991 he was only a daily wager. Therefore, question of extending pay scale attached to the post of Agricultural Inspector do not arise as long as he has not entered into the cadre of Agricultural Inspector. So also on 27.03.1995 once again he was posted as an Agricultural Inspector on the condition that "on his own pay scale" i.e. in the Group D cadre. Later on his services were stated to have been made permanent as Agricultural Inspector. Appellant was promoted to the post of Agricultural Inspector on 16.02.2011.

2. In view of these facts and circumstances, only question is whether appellant is entitled to pay scale attached to the post of Agricultural Inspector with reference to filing of suit in the year 2011? Undisputedly, appellant has not questioned the validity of the conditions imposed in the order dated 27.03.1995 to the extent that he has been accommodated against Agricultural Inspector "on his own pay scale". In other words, pay was continued in the Group D cadre. As long as such condition is not challenged or modified or cancelled by competent authority or court, appellant is not entitled to benefit of pay scale attached to the post of Agricultural Inspector in the pay scale of Rs.950-1500/-. Therefore, appellant has not made out a case for claiming pay scale attached to the post of Agricultural Inspector from 16.02.2011 till he was permanently appointed to the post of Agricultural Inspector. In view of these facts and circumstances, appellant is not entitled to pay scale attached to the post of Agricultural Inspector in the pay scale of Rs.950-1500/- during the intervening period from 13.11.1991 till he was made permanent in the post of Agricultural Inspector

on 16.02.2011.

3. Accordingly, appeal stands dismissed.

23.03.2018
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No