

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

**CWP No.12583 of 2002 (O&M)
Date of decision: 08.05.2019**

R.S. Khanna and others

.....Petitioners

Versus

The State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Umesh Narang, Advocate for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

B.S. WALIA, J (ORAL)

1. Prayer in the instant writ petition is for the issuance of writ of certiorari to quash the deduction/cut ordered vide the offending parts of paragraph Nos.3 and 4 of Annexure P-3 in respect of the ad hoc relief allegedly paid in excess as also to strike down the offending part of the definition of the terms existing emoluments with regard to “minus excess payment of adhoc relief” as contained in Rule 3(d) (ii) of the Haryana Civil Service (Revised Scale of Pay) Rules, 1980. Prayer is also for the issuance of a writ of Mandamus directing the respondents to restore the deduction made from the payment of additional dearness allowance w.e.f 1.5.1973 as also to restore the deduction made from the payment of additional dearness allowance. Prayer is also for issuance of a writ of Mandamus commanding the respondents to refix the pay and pension of the petitioners in the revised scales as introduced w.e.f. 1.4.1979, 1.1.1986 and 1.1.1996 after restoring the deduction/cut of alleged excess payment of ad hoc relief and after inviting fresh options from the petitioners.

Lastly, prayer is to direct the respondents to pay to the petitioners the arrears of pay/pension accruing due to the restoration of the cut/deduction alongwith interest @ 18%.

2. Learned counsel appearing on behalf of the petitioners contends that the claims in the writ petition are covered by the decision of a Division Bench of this Court in CWP No.4518 of 2000 in case titled as 'R.K. Gupta and others versus State of Haryana and others' which in turn was allowed in the light of the decision in CWP No.16084 of 1997 in case titled as 'Dharam Pal Singh versus State of Haryana and others' and decision of Hon'ble the Supreme Court in Civil Appeal No.8661 of 2009 in case titled as 'State of Haryana and others versus R.K. Gupta and others'.

3. Learned Senior Deputy Advocate General, Haryana contends that the writ petition is liable to be allowed as the petitioners are entitled to the benefits as allowed in the decision referred to above.

4. The same satisfies learned counsel for the petitioners.

5. In view of the statement of learned counsel for the parties, the writ petition is allowed. The petitioners are held entitled to the benefits as per the decision in R.K. Gupta's case (supra) as referred to above.

May 08, 2019
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No