

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

LPA No.512 of 2019(O&M)

Date of decision: 10.05.2019

Principal Secretary to Government of Haryana Transport Department,
Chandigarh and another

... Appellants

Versus

Poonam Kalia

... Respondent

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Sharad Aggarwal, Assistant Advocate General,
for the appellants.
Mr. Surmukh Singh, Advocate, for the respondent.

KRISHNA MURARI, C.J. (Oral)

State of Haryana has come in this appeal invoking appellate jurisdiction under Clause X of the Letters Patent challenging the judgment and order dated 27.08.2018 passed by the learned Single Judge whereby writ petition filed by the respondent herein claiming payment of regular salary of her deceased husband with effect from the date of his initial appointment i.e. 31.07.1995, has since been allowed.

Main ground of challenge in the appeal is that husband of the petitioner was appointed as Photostat Machine Operator on daily wages as per DC rates, which is a Class IV post, whereas the learned Single Judge while passing the impugned order has considered the case treating the post to be of Machine Man a Class III post, and accordingly issued directions for regularization of service on the post of a Machine Man with effect from the

date of his initial appointment and to pay a regular salary in view of the impugned judgment.

Learned State counsel appearing for the appellants states that in so far as granting of regular pay scale on the post of Photostat Machine Operator as Class IV post with effect from the date of his initial appointment, there is no issue and the State is ready to allow the said scale.

The aforesaid statement has been made by Mr. Sharad Aggarwal, learned Assistant Advocate General for the State of Haryana, on the basis of the instructions from Mr. Sarabjit Singh, Superintendent O/o Director General, State Transport, Haryana.

It is further pointed out that since the deceased husband of the respondent-petitioner was appointed on Class IV post, he will not be entitled for regularization and arrears of salary from the date of his initial appointment on the post of Machine Man, which is a Class III post.

When confronted with this, Mr. Surmukh Singh, learned counsel for the respondent-petitioner, concedes to the fact that since the deceased husband of the petitioner was appointed as Photostat Machine Operator w.e.f. 31.07.1995 on daily wages as per DC rates and was regularized on the said post on 20.09.2004 w.e.f. 01.10.2003 as such he would be entitled for regularization on the Class IV post of Photostat Machine Operator and shall be entitled for payment of arrears of salary for the said Class IV post.

In view of aforesaid, this appeal stands disposed of with the modification in the direction of the learned Single Judge that respondents shall fix the pay of the deceased husband of the respondent with effect from

the date of his initial appointment admissible to Class IV post of Photostat Machine Operator along with 8% per annum interest.

With the aforesaid modifications in the order of the learned single Judge, the appeal stands finally disposed of.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

10.05.2019
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO