

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

(126)

CWP-13268-2019

Date of Decision: May 20, 2019

Meer Singh

.. Petitioner

Versus

M.D. University, Rohtak and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nilesh Bhardwaj, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that as the grant of technical scale is not being approved by the Government of Haryana, the pensionary benefits of the petitioner are being fixed by the respondent-University by withdrawing the said technical pay scale, which was already granted to the petitioner and his pensionary benefits are being fixed at a lower rate, which is causing great prejudice to him after retirement.

Learned counsel for the petitioner argues that only due to inaction on the part of the Government of Haryana to take a decision with regard to the grant of technical pay scale to the employees of University in pursuance to the instructions dated 09.08.2010, though the said technical scale was already granted to the petitioner and he continued to get the same till his retirement, the benefit of same has been withdrawn from him while fixing his pensionary benefits till the appointment is granted by the State of Haryana.

Learned counsel for the petitioner states that the University has shown its helplessness in pursuing the matter with the Government of Haryana, which has not taken any decision on the recommendations which have been made by the University time and again and the employees after their retirement are being granted pensionary benefits after withdrawing the said technical pay scale, which is totally arbitrary and illegal.

Notice of motion.

On asking of the Court, Ms. Safia Gupta, AAG, Haryana, who is present in the Court, accepts notice.

Learned counsel for the petitioner states that at this stage, the petitioner will be satisfied, in case a direction is issued to the Government of Haryana to take an appropriate decision with regard to the grant of technical pay scale in view of the instructions dated 09.08.2010 as well as in view of the notification dated 11.03.2014 by which Haryana (Abolition of Distinction of Pay Scale between Technical and Non-technical Posts) Act, 2004 came into force.

Learned counsel for the respondents states that she has no objection in case the said prayer for taking an appropriate decision on this issue in a time bound manner is allowed.

Keeping in view the above, without going into the merits of the case and the entitlement of the petitioner for the continuance of the technical scale, which he was drawing at the time of his retirement, which has been withdrawn while fixing his pensionary benefits, a direction is issued to the respondent-State to take an appropriate decision in respect of admissibility of technical scales to the employees of the University within a period of three months from the receipt of copy of this order.

In case, after the decision, it is found that the petitioner is entitled for the benefit of the technical scale, which he was already withdrawing at the time of his retirement, the benefits of such orders shall be extended to the petitioner by re-fixing his pensionary benefits appropriately, if need so arises. The same be done within a period of two months thereafter.

The writ petition is disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

May 20, 2019
harsha

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