

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

CWP-15530-2019

Date of decision: - 30.05.2019

Jagat Singh Dalal and others

....Petitioners

Versus

M.D. University, Rohtak and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Nilesh Bhardwaj, Advocate,
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

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

Learned counsel for the petitioners 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 petitioners and they continued

to get the same till their retirement, the benefit of same has been withdrawn from them while fixing their pensionary benefits till the appointment is granted by the State of Haryana.

Learned counsel for the petitioners 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 petitioners states that at this stage, the petitioners 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 petitioners for the continuance of the

technical scale, which they were drawing at the time of their retirement, which has been withdrawn while fixing their 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 petitioners are entitled for the benefit of the technical scale, which they were already withdrawing at the time of their retirement, the benefits of such orders shall be extended to the petitioners by re-fixing their 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 30, 2019
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Whether reasoned/speaking?	Yes
Whether reportable?	No