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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2019.02.27 15:46
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CWP-871-2013 (O/M)
Date of decision : 22.2.2019

State of Haryana

..... Petitioner

Versus

Rajeev Sharma, IAS (Retd.) and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vishal Garg, Additional A.G. Haryana,
for petitioner.

Mr. N.S. Bhardwaj, Advocate,
for respondent No. 1.

Mr. B.S. Kanwar, Advocate,
for respondent No. 2.

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KULDIP SINGH, J.

The Government of Haryana has challenged the judgment dated 16.8.2012, passed by Chandigarh Administrative Tribunal, Chandigarh Bench, Chandigarh, vide which petitioner-State was directed to accord salary to applicant-respondent No. 1 at par with his juniors.

The short facts of the case are that applicant-respondent No. 1 was inducted into Haryana Civil Services (Executive Branch) on 17.9.1996, while Shri Krishan Kumar, Smt. Saroj Siwatch and Shri P.R. Vishnoi were inducted into Haryana Civil Services (Executive Branch) on 31.12.1975, 1.9.1976 and 30.9.1976 respectively. However,

their names for promotion to Indian Administrative Services were considered by the selection committee of the Union Public Service Commissioner in the meeting held on 29.3.1994. Applicant-respondent No. 1 was placed at Serial No. 1 and said officers were placed at Serial No. 4, 8 and 9 respectively. Applicant-respondent No. 1 was inducted into Indian Administrative Services in the year 1994, whereas other three officers were inducted into Indian Administrative Services on 20.3.1996. Applicant-respondent No. 1 was not granted pay at par with said officers by Government of Haryana, who became junior to him in Indian Administrative Services, despite letter by Government of India on the ground that applicant-respondent No. 1 was not granted super time scale of Rs. 14300-18300 by the time he was inducted into Indian Administrative Services, while three said officers were granted super time scale in the year 1999 w.e.f. 1996 and they came into Indian Administrative Services in the year 1999 alongwith their placement in the super time scale.

We have heard learned counsel for parties and have also carefully gone through the file.

The facts mentioned above clearly show that applicant respondent No. 1 is senior in Indian Administrative Services and was appointed earlier than said three officers. The said three officers Shri Krishan Kumar, Smt. Saroj Siwatch and Shri P.R. Vishnoi are junior to him in Indian Administrative Services and they were appointed later in time in the year 1999. Whatever may be their position when they were inducted in HCS (EB), a senior cannot be granted lesser pay than his juniors. Applicant respondent No. 1 joined Indian Administrative Services in the year 1994, whereas said three officers joined Indian Administrative Services in the

year 1996. Therefore, applicant-respondent No. 1 Rajeev Sharma is senior to them and cannot be granted lesser pay, whatever may be the reason. Therefore, there is no illegality or infirmity in the judgment dated 16.8.2012, passed by CAT, Chandigarh Bench, Chandigarh, directing petitioner-State to accord salary to applicant-respondent No. 1 at par with three aforesaid officers. Consequently, petition is dismissed.

(RAJIV SHARMA)
JUDGE

(KULDIP SINGH)
JUDGE

22.2.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No