

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 30016 of 2019
Date of decision : 17.10.2019

Dwarka Dass Goel

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sandeep Panwar, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

The claim of the petitioner in the present writ petition is that he is entitled for the pay scale of ₹13500-17250 w.e.f. 01.01.1996, which has been granted to 20% of the Cadre Post, of which the petitioner was discharging the duties.

Learned counsel for the petitioner argues that the claim of the petitioner is squarely covered by the decision rendered by this Court in LPA No. 930 of 2010 titled as ***State of Haryana and others Vs. Dr. K.L. Kumar and others***, on 10.08.2010 vide which, judgment of the learned Single Judge dated 06.10.2009 holding that the employees, who were getting the selection grade, will also be entitled for a higher pay scale of ₹13500-17250 w.e.f. 01.01.1996 in case they come within 20% of the Cadre Post of the Cadre in which they were discharging the duties as on

01.01.1996 has been upheld. Learned counsel for the petitioner further argues that after the decision in ***Dr. K.L. Kumar's case (supra)***, another bunch of writ petitions involving the same question of law was decided by a Coordinate Bench of this Court while deciding CWP No. 15887 of 2011 titled as ***Jagdish Chander Narang and others Vs. State of Haryana and others***, on 11.03.2019. The order passed by the Coordinate Bench is as under:-

“1. This order will dispose of the above mentioned writ petition as well as the connected writ petitions tabulated at the foot of the order (numbering 25 cases) as they are on common ground.*

2. Heard.

3. These petitions have to succeed with the dismissal of the Special Leave Petition in State of Haryana and others v. K.L. Kumar and others (SLP No.39474-39475 of 2013) on October 12, 2018 attaching finality to the Division Bench judgment and order of this Court in LPA No.930 of 2010, State of Haryana and another v. K.L. Kumar and others decided on August 10, 2010 and the dismissal of the review application therein on August 07, 2013.

4. The front runner or lead petition settling the dispute according to learned counsel for the petitioners was the Division Bench ruling in LPA No.1008 of 2010 in State of Haryana and others v. S.P. Sood decided on October 12, 2010. The SLP in connected matters dismissed in 2018 to which detailed reference is not necessary since the State of Haryana is in the process of implementing the judgment of the Supreme Court and its Finance Department has already issued instructions to the various departments where the judgment has to be implemented to send cases along with data for

decision making.

5. *In view of this, the grievances of the petitioners are on the way to being redressed in due course of time which is around the corner.*

6. *The aftermath of the litigation is that the petitioners and other similarly situated employees who fall within top 20% of the respective cadres become entitled to the running pay scale of `13500-17250 w.e.f. January 01, 1996. The rate of interest on arrears due will be applicable as directed in State of Haryana and others v. S.P. Sood i.e. at the rate of 8% per annum till payment. The monetary entitlements shall be computed and paid to the petitioners within five months from today and a status report on actual disbursements be submitted before the Registrar General of this Court for perusal. The petitioners are also held entitled to all other consequential benefits as may arise out of the judgment covering the case.*

7. *With the above observations and directions, the petitions stand disposed of.”*

Learned counsel for the petitioner argues that the case of the petitioner be disposed of in the same terms.

Notice of motion.

At the asking of the Court, Mr. C.S. Bakhshi, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State.

Keeping in view the order which is being passed today, no reply is needed at this stage.

Learned counsel for the respondent-State states that in the present writ petition, no data has been given as to whether, the petitioner is

within 20% of the Cadre Post of which he was discharging the duties as on 01.01.1996 so as to become eligible for the grant of benefit in terms of the order passed by this Court in ***Dr. K.L. Kumar's case (supra)***.

Faced with this situation, learned counsel for the petitioner states that he has no objection in case an appropriate direction is issued to the department to consider the case of the petitioner for the grant of pay scale of ₹13500-17250, in case the department finds that his case is covered by the judgment in ***Dr. K.L. Kumar's case (supra)***.

Learned counsel for the respondents raises no objection for considering the case of the petitioner as to whether the petitioner is also entitled for the benefit of the judgment in ***Dr. K.L. Kumar's case (supra)***. | Learned counsel for the respondents states that within a period of three months from the receipt of certified copy of this order, an appropriate order will be passed after considering the claim of the petitioner for the grant of pay scale of ₹13500-17250 w.e.f. 01.01.1996 and in case, after the decision, the petitioner is found entitled, the appropriate relief will be extended to him within a period of one month thereafter.

It is made clear that at this stage, this Court expresses no opinion with regard to the claim of the petitioner for the grant of benefit as being claimed by the petitioner.

Writ petition disposed of in above terms.

October 17, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *Yes*