

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

CWP-1709-2013

Date of decision: 28.01.2020

All Haryana Government/ Semi-Government Drivers Association (Regd.
No. 48), Chandigarh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ashish Singh, Advocate, for
Mr. D.K. Bhatti, Advocate,
for the petitioner.

Mr. Randhir Singh, Advocate,
for the State of Haryana-respondents.

RITU BAHRI, J. (ORAL)

The petitioner (Association) is seeking quashing of the order dated 20.10.2011 (Annexure P-3) passed by respondent No.2 to the extent that it limited the scope of Special/ Additional Grade Pay after 24 years of regular satisfactory service to 20% of the cadre post of the drivers and this is arbitrary and illegal and against the Rule 5 of the Haryana Civil Services (Assured Career Progressions) Rules, 2008. A further prayer has been made to rationalize / equalize the Special Pay of the drivers which is being granted in replacement of the facility of overtime admissible to the drivers and for the arduous nature of duty.

On notice of this petition, a reply has been filed by the Finance Department. Wherein, with respect to the first prayer, it has been stated that vide notification dated 04.03.2014, it has been decided to reduce the period prescribed for the grant of ACP scales from 10 years, 20 years and 30 years to 8 years, 16 years and 24 years respectively (as regards the grant of the 1st, 2nd and 3rd ACP scales). Further, for such posts whose functional grade pay for direct recruits is Rs.2400/-, the ACP grade pay will be Rs.3200/-, Rs.3600/- and Rs.4000/- respectively, and third ACP scale (with a grade pay of Rs.4000/-) will be admissible to all drivers on completion of 24 years service, without any limit of 20% of the cadre posts.

In this way all the drivers who have completed 24 years will get 3rd ACP with grade pay of Rs. 4000/-. The first prayer has been answered.

With respect to the second prayer, in response to the legal notice dated 31.10.2012, a Pay Revision Committee was constituted vide a notification dated 18.09.200 and the pay scales have been revised by framing Rules titled as "Haryana Civil Services (Revised Pay) Rules, 2008".

On the subject of Special Pay, the Committee has decided as under :-

"At present different posts/ cadres are getting special pay at different rates.

The Committee does not recommend any change in the Rates of special pay being given to different posts/ cadres. It however recommends that special pay be discontinued for posts carrying a grade pay of Rs. 6000/- p.m. and above."

A perusal of the decision given by the Committee makes it very clear that they have not recommended special pay for the posts which carry grade pay of Rs. 6,000/- p.m. and above.

The petitioners are held entitled to special pay at different rates sanctioned by the government from time to time. Hence, no further orders are required to be passed in this petition.

This petition is disposed of.

28.01.2020

Satyawan

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No.
Yes/No.