

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19040 of 2018
Date of Decision: 12.03.2020

Rasheed Ahamad

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: None for the petitioner

Mr. Jagbir Malik, Addl. AG Haryana

GIRISH AGNIHOTRI, J. (Oral)

(1) The petitioner Rasheed Ahamad has filed the present writ petition *inter alia* with a prayer to direct the respondents to remove the anomaly in his basic pay. It has been further prayed that the order dated 30.03.2018 (P3) be quashed whereby the claim of the petitioner has been rejected. It is also the pleaded case of the petitioner that similarly-situated employees have been granted the benefit of fixation in the appropriate basic pay and also arrears with interest.

(2) Notice of motion in this case was issued on 02.08.2018.

(3) On behalf of respondents No.1 to 3, reply has been filed by Ms. Nitika Gahlaut, IPS, Deputy Commissioner of Police, HQ, Faridabad. In para 3 of the preliminary submission, it has been stated that the pay of the petitioner has been fixed. Para 3 of preliminary submission of the written statement reads as under:-

“That it is submitted upon receiving the application of the petitioner, the Inspector General of Police, South Range, Rewari was requested to provide clarification of RSO, in the matter and the Inspector General of Police, South Range, Rewari vide letter No.1305/RSO dated 07.02.2018 has intimated that as per comparative statement, the pay of the

petitioner was fixed at Rs.40800/- as on 01.01.2016 but his batch-mates EASI Raj Kumar No.265/JJR, EASI Satya Singh No.1024/BWN was fixed at Rs.44700/- on 01.07.2016. The above pay had been fixed under Rule 6 i.e. exercise of option, so the pay is correct as per revised pay scale-2016. However, the comparative pay of the petitioner is as under:-

<i>Date</i>	<i>Pay at present</i>	<i>Pay if he had exercised option w.e.f. 01.07.16</i>
<i>01.01.2016</i>	<i>40800/-</i>	<i>15570/- (40800/-)</i>
<i>01.05.2016</i>	<i>42100/-</i>	<i>15970/- (42100/-)</i>
<i>01.07.2016</i>	<i>42100/-</i>	<i>16930/- (44700/-)</i>
<i>01.01.2017</i>	<i>43400/-</i>	<i>44700/-</i>
<i>01.07.2017</i>	<i>43400/-</i>	<i>46000/-</i>
<i>01.01.2018</i>	<i>44700/-</i>	<i>46000/-</i>

In view of the submissions made above, the pay of the petitioner is correct and needs no rectification which is as per rule and the same has been verified by RSO. Hence, the petition is liable to be dismissed with costs being devoid of merits.”

(4) This Court accepts the plea of the learned State counsel. Since fresh pay fixation has been ordered and the pay of the petitioner has been fixed @ ₹ 44700 w.e.f. 01.01.2017, no further orders are called for.

(5) In view of the above, the writ petition is dismissed as having been rendered infructuous.

(6) So ordered.

12.03.2020

Vvishal

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No