IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

115 **LPA-255-2021 (O&M)**

Date of Decision: 04.03.2021

Jai Singh (Retd.) Inspector

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE RAJAN GUPTA.
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA.

PRESENT: Mr. Vivek Khatri, Advocate for the appellant.

Mr. Ankur Mittal, Additional Advocate General, Haryana with
Mr. R.D. Sharma, Deputy Advocate General, Haryana

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RAJAN GUPTA, J. (Oral)

Appellant has impugned the order dated 20.2.2020 passed by the learned Single Judge. He has contended, *inter alia,* that the order is unsustainable as the State Government is meting out discriminatory treatment to its employees. In certain cases, it has granted adhoc relief w.e.f. 1.4.1972 @ ₹ 15 to ₹ 45 as first component and ₹ 7 to ₹ 15 as second component. Accordingly, pension is being calculated and paid.

We have sought assistance of learned State counsel as he has an advance copy of the appeal available with him. He submits that 268 petitions came up for hearing before the Division Bench in the year 1991. CWP-16470-1990 (Ishwar Singh Sharma v. State of Haryana and others) along with 268 writ petitions were dismissed by this court. Operative part of the order reads as under:-

"6. After hearing the counsel for the parties and perusing the pleadings, we find that the 'ad hoc' relief granted by the Government in the year 1972 was truly 'ad hoc'. Subsequent actions and events have clearly revealed that no definite formula or criterion had been prescribed or followed while granting the ad hoc relief. In such a situation, we find nothing wrong in the action of the Government in deciding to adjust the excess amount which was being already drawn by the employees towards future installments of additional Dearness Allowance. It did not violate any Rule or Law. It did not act unfairly. It did not even withdraw or recover the excess already paid. It did not even stop the payment of the ad hoc relief. It only directed that additional allowance shall be granted after adjusting the excess amount of ad hoc relief already wanted. We find nothing to be arbitrary. We find no illegality in the order.

7. It is also proper to remember that the country – the tax payer- bears the burden of the pay and allowances of the Civil Servants. The financial constraints that confront the State cannot be easily over-looked. Payments by way of ad hoc relief and additional Dearness Allowance sanctioned by the State are only in the nature of welfare measures. These must have a relation to the resources actually available. Equally the civil servant must not flourish at the cost of others.

8. On a consideration of the matter we are satisfied

> that the premises on which the Government had passed the impugned orders are valid. The consequential adjustments made by the Government cannot be annulled by us in the exercise of jurisdiction under Article 226 of the Constitution."

We have heard learned counsel for the parties and given thoughtful consideration to the rival contentions.

We do not find any illegality and infirmity in the order passed by the learned Single Judge. As regards the claim of the appellant seeking parity with the other employees, it appears that his plea is misconceived. Learned Single Judge has stated that relevant judgment in R.K. Gupta's case (supra) was not brought to the notice of the court. Even, the argument that writ petition titled as R.K. Khanna's case (supra) was allowed on the statement of learned State counsel does not help as no statement could have been made contrary to the record.

We, thus, find no ground to interfere. Besides, the claim is hopelessly barred by delay and laches as instructions on which reliance is placed pertain to the year 1972.

Dismissed.

(RAJAN GUPTA)
JUDGE

March 4, 2021
gbs

(MEENAKSHI I. MEHTA)
JUDGE

Whether Speaking/Reasoned **Yes/No**

Whether Reportable **Yes/No**