

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Date of decision : 18.01.2021

1.

CWP-10617-2020

Chirag and others

... Petitioners

Versus

State of Haryana and others

... Respondents

2.

CWP-34677-2019

Deepak Rawat

... Petitioner

Versus

State of Haryana and others

... Respondents

3.

CWP-14033-2020

Yogesh Kumar and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present: Mr.Arav Gupta, Advocate in CWP-14033-2020;
Mr.Akhil Ahuja, Advocate in CWP-10617-2020;
Mr.Arvind Galav, Advocate in CWP-34677-2019;
for the petitioners.

Ms.Safia Gupta, AAG, Haryana.

*[The aforesaid presence is being recorded through video conferencing since
the proceedings are being conducted in virtual court]*

GIRISH AGNIHOTRI, J.

All these three writ petitions are taken up together and are being disposed of by joint order.

2. The facts are being briefly referred to from CWP-14033-2020. The petitioners Yogesh Kumar and 22 others have jointly filed the present petition *inter alia* with a prayer to quash the pay fixation orders (Annexures P-7 to P-29) qua the petitioners whereby the basic pay of the petitioners has been fixed in the lower stage by not protecting the same on the basis of last pay drawn in the previous employment, with a further prayer to protect the pay of the petitioners as per their last pay drawn.

3. Records of the case show that in these cases (in CWP-34677-2019) notice of motion was issued on 28.11.2019.

4. Thereafter this Court on 31.08.2020 passed the following order:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

On 17.08.2020, the following order had been passed (in CWP No. 10617 of 2020):-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

Pursuant to notice of motion having been issued, a reply of the Secretary, State Consumer Commission, Haryana, has been filed on behalf of respondents no.1 and 6, but obviously the reply would be taken to be on behalf of respondents no.1, 3, 4, 5 and 6, with the Secretary to the Government of Punjab, Department of Finance, to file a separate reply.

The reply essentially states what learned State counsel had submitted on the last date of hearing, with Mr. Brar submitting that additionally, instructions subsequently have been

issued by the State Government that salary in such cases would be disbursed as per the Rules of 2016.

However, learned counsel for the petitioners submits that other than CWP no.34677 of 2019 which has been referred to in the previous order of this court, 4 or 5 other writ petitions on the same issue are pending before this court, to come up for hearing on November 03, 2020; and in all such petitions, an interim order protecting the last pay drawn by the petitioners therein, while they were serving in the District Courts, has been passed.

Mr. Brar seeks time to take instructions in that regard.

Hence, on the question of whether any interim order should be passed in favour of the petitioners or not, adjourned to 31.08.2020. The lead case in the bunch of petitions which is come up for hearing on November 03, 2020 is stated to be CWP no.11623 of 2018.”

Today, learned counsel for the petitioners (in CWP No. 10617 of 2020) has sought an adjournment (as conveyed to the coordinator of the video conferencing.

Though Mr. Dinesh Kumar, appearing in the connected matters, submits that the next date of hearing in those matters, is 03.11.2020, learned State counsel points out that as a matter of fact an application of the State seeks early hearing of one case was allowed, with the said case listed for hearing today itself.

He submits that the State is actually seeking a vacation of the interim order passed in those cases.

That being so, adjourned to 17.09.2020, with it made clear that no request for an adjournment on behalf of any counsel for the petitioners would be entertained on that date; and even if any such request is made, the cases would still be heard on merits and if no counsel for the petitioners appears, the interim order would be

vacated.

The Registry is consequently directed to list all the connected cases for hearing on 17.09.2020, with learned State counsel to give the details of all such cases.

To be put up before the appropriate Bench.

A photocopy of this order be placed on the file of the other connected case.

5. Today on the resume hearing of the case, learned counsel for the petitioners submits that vide notification dated 25.10.2020, the Haryana Civil Services (Pay) Amendment Rules, 2020 have been notified and has been given effect to from 01.01.2016.

6. Learned counsel appearing in CWP-14033-2020 submits that as per the notification pay of all the petitioners have been re-fixed. He also has further instructions from the petitioners to submit that they have been informed that the arrears on account of pay re-fixation would be released as soon as the budget is received by the competent authority. In this view of the matter, no further orders are called for and CWP-14033-2020 stands disposed of.

7. As regards the CWP-34677-2020, learned counsel for the petitioner submits that the pay of the petitioner has been re-fixed. He submits that the arrears however have not been released. In view of this, CWP-34677-2020 is disposed of with a direction that the respondents may release the arrears in pursuance to the notification as expeditiously as possible.

8. As regards CWP-10617-2020 is concerned, learned counsel for the petitioners submits that pay of two petitioners has been re-fixed as per notification whereas pay of petitioner no.2 has not been re-fixed till date.

This writ petition is accordingly disposed of with a direction to the respondents to take further steps to fix the pay of petitioner no.2 as per the notification, in accordance with law and release the arrears of pay for all the petitioners as expeditiously as possible.

A photocopy of this order be placed on the file of each connected case.

(GIRISH AGNIHOTRI)
JUDGE

January 18, 2021.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No