

126 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24718-2021

Date of Decision: 06.12.2021

RAM KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Jai Bhagwan Sharma, Advocate
for the petitioner.

Mr. Saurabh Mohunta, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein *inter alia* is for issuance of a writ in the nature of *certiorari* for quashing a letter/order dated 17.05.2018 (Annexure P/1) issued by respondent No.3 vide which, the higher pay scale granted to the petitioner vide an earlier order dated 27.04.1994 (Annexure P-3) has been withdrawn.

2. Learned State counsel, on advance service, appears and opposes for issuance of notice of motion. He argues that the petitioner is working on a non-technical post of Veterinary Dresser in the office of Veterinary Surgeon. Hence, his pay scale has been rightly withdrawn.

3. Having heard the rival contentions of learned counsel for the parties, I am of the view that the case of the petitioner is squarely covered by Apex Court judgment rendered in *State of Punjab and others vs Rafiq Masih AIR 2015 SC 1267*. The impugned order is not sustainable on that short ground alone.

4. Assuming, that the petitioner being a Veterinary Dresser, concededly a Class-IV post, was accorded benefit of erroneous pay scale for no fault of his, the same could not have been even then retrospectively withdrawn in order to cause recovery from him.
5. In the premise, the impugned order dated 17.05.2018 (Annexure P1) is set aside with liberty to the respondents to pass a fresh orders in accordance with law, with prospective effect, if deemed fit.
6. As regards the other relief qua the revision of pay scale of the petitioner, claiming the benefit of 7th Pay Commission w.e.f. 01.01.2016, it is expected of the respondents to pass appropriate administrative orders in accordance with law as expeditiously as possible.
7. Disposed of accordingly.

December 06, 2021

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No