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

**CWP No.13190 OF 1998 (O&M)
DATE OF DECISION : 03.08.2022**

Shanti Sarup Gupta and others ...Petitioners

Versus

The State of Haryana and others ...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Shubham Saroha, Advocate
for Mr. S.P. Laler, Advocate
for the petitioners.

Mr. R. D. Sharma, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Grievance of the petitioners who joined as JBT Teachers is qua pay anomaly owing to which, they claim to be receiving lesser salary than their juniors and they seek issuance of a writ of mandamus directing the respondents to fix their pay equivalent to their juniors in accordance with Rule -7, Note – 6 of the Pay Revision Rules, 1986 and consequential relief qua the arrears alongwith interest has also been sought.

2. In the interregnum, vide speaking order dated 27.07.2017 (Annexure R-2), claim of the petitioners was considered, wherein it is conceded that no doubt the petitioners are senior to the persons whose names are reflected in Annexures P-1 to P-3, and the latter are drawing higher salary than the petitioners, but the said anomaly is a result of the decision in writ petition bearing CWP No.3924 of 1990, titled as

Manmohan Lal and others vs. State of Haryana and others, decided on 30.10.1990, whereby DA cut relief has been granted only to those 81 petitioners who were party therein.

3. Learned State counsel argues that the decision passed in Manmohan Lal's case (supra) cannot be treated in *rem* and the said relief was only granted to those petitioners who are party therein and cannot be treated as relief in persona.

4. I am in agreement with the defence taken in the speaking order as well as the arguments of the learned State counsel that the special relief granted to the petitioners in the aforesaid writ petition cannot be the basis of the present petitioners for making grievance of their pay anomaly. More particularly, when the other set of similarly situated counterparts of petitioners specifically filed civil writ petition bearing CWP No.17597 of 1997 seeking correction of pay anomaly, which arose out of the judgment passed in CWP No.3924 of 1990 was dismissed.

5. As an upshot of the discussion above, no interference is called in the extraordinary writ jurisdiction.

6. Petition is dismissed.

7. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

August 03, 2022
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No