

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

Sr. No.559

CWP-13402-1999 (O&M)

Date of decision: May 18, 2022

Ram Kishan and Others

...Petitioners

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

Mr. R.D. Sharma, Deputy Advocate General, Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1999, *inter alia*, for issuance of a writ in the nature of mandamus directing the respondents to grant higher pay scale to petitioners in order of their promotion on promotional post w.e.f. 01.01.1996.

2. Petition was admitted on 12.09.2002.

3. It seems that by sheer effluxion of time and pendency of the writ petition for more than 22 years before this Court, it has been rendered infructuous and/or the petitioners seem to have lost interest in pursuing the same.

4. In any case, it appears that even on merits, claim of the petitioners is not admissible in view of the following stand taken in para Nos.2 & 3 of preliminary submissions and para No.17 of reply on merit, which are reproduced herein below for ready reference:

“2. That the petitioners are working in one of the Sections (Binding Section) in the Department of Printing & Stationery. Petitioners No.1 to 12 are working as “Binders” and constitute one category of employees. Petitioner No.13 is working as “Assistant Section Holder”. Petitioner No.14 to 17 are “Machine Operators” and petitioners No.18 to 19 are working as Warehouse Operators and, hence, constitute one category of employees. Attention of the Hon’ble Court is invited to Annexure R-1 annexed to this Written Statement. A perusal of this Annexure will set the record straight. The first entry point of an employee in the Binding Section of the office of Controller, Printing & Stationery is the post of Learner Binder. The post of Learner Binder is a Class IV post and is in the pay scale of Rs.2550-3200. The Learner Binders get promoted as Daftari in the Binding Section. Daftari in turn gets promoted as a Binder. The binder gets promoted as a Warehouse Operator and the Warehouse Operators get promoted as Machine Operators. The Machine Operators get promoted as

Assistant Section Holder and the Assistant Section Holders get promoted as Section Holders.

3. The petitioners are claiming grant of higher pay scale on the ground that the pay scale of the feeder posts and the promotion posts have become identical and the same constitutes an anomaly and, therefore, their pay scales should be further revised. It would be in order, to explain the position in respect of each of these categories.

17. That the contents of para No.17 are wrong and denied. The contents of preliminary submissions are reiterated. As already submitted, the post of Assistant Section Holder carries a special pay of Rs.50/- in lieu of higher time scale. Similarly, Machine Operators have been given the pay scale of Rs.3050-4590 which is a higher pay scale than the pay scale of Rs.3050-4350 sanctioned for the post of Ware House Operator, Binder & Press Daftri. Therefore, it cannot be called a scale equivalent to the scale of remaining three posts mentioned in the writ petition. The pay scale for the post of Press daftri was made equivalent to the posts mentioned therein as per the orders of Hon'ble High Court. As far as the equality of other posts mentioned in the writ petition is concerned, it is again submitted that keeping in view the various factors as mentioned in the preliminary submissions the pay scales are justified.....”

5. I am in agreement with the stand taken by the respondent-State as aforesaid. The same in any case has not been controverted either by way of replication or by way of any additional affidavit.

6. In view of the aforesaid, no ground for interference is made out. Petition is dismissed.

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

(ARUN MONGA)
JUDGE

May 18, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No