

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

CWP-13950-2001 (O&M)

Date of decision: August 22, 2022

Sushil Kumar and another

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 2001, *inter alia*, for issuance of a writ in the nature of Mandamus directing the respondents to grant revised pay-scale of Rs.480-760 to the petitioners initially, and that of Rs.1,200-2,040 w.e.f. 01.01.1986 instead of 01.05.1990. Further a writ in the nature of Certiorari has been sought for quashing impugned office memo dated 16.12.1998 (Annexure P-3) whereby his claim for revised pay scale was rejected.

2. Petition was admitted for hearing in the year 2001.

3. Matter was called out for hearing on 01.08.2022, however, none appeared on behalf of the petitioners. In the premise, Registry was asked to issue notice to the learned counsel for the petitioners. Needful has been done, yet none appears on behalf of the petitioners.

4. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, either it has been rendered

infructuous or even otherwise 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 Paras-1 of Preliminary Objections of the reply filed by respondents No.1 to 4, which is reproduced herein for ready reference:-

“That the petitioners have not approached to this Hon’ble Court with clean hands and as such they are not entitled to any relief/claimed. In Para 3 of the petition they have alleged that in March 1982 pay scale of Technical posts were revised for which minimum educational qualification prescribed was Matric with ITI certificate. This averment is totally incorrect. In fact in 1982, pay scale of those technical posts were revised where educational qualification prescribed was Matric with 2 years ITI certificate. The petitioners do not possess qualification of Matric with two years ITI certificate. They possess qualification of Matric + one year ITI certificate and as such they are not entitled to the relief claimed. The notification dt. 30.03.82 on which petitioners rely rather clarifies previous scales of post held by individuals who were entitled to pay scale of Rs.1,200-2,040/- w.e.f. 1.1.86. Scale of Rs.1,200-2,040/- was allowed to incumbents of Technical posts vide notification dated 30.03.82 (copy enclosed as Annexure R-I) as under:-

<i>Category</i>	<i>Pre-revised scale</i>	<i>Revised Scale w.e.f 1/4/79</i>	<i>Further Revised w.e.f. 1/2/81</i>	<i>Remarks w.e.f. 1/1/86</i>
<i>Technical Posts in various Deptt. for which minimum Technical qualification prescribed is Matric with 2 years ITI certificate</i>	<i>120-250 140-250</i>	<i>400-600 420-700</i>	<i>480-760</i>	<i>1200-2040</i>

The pay scales of Petitioner from time to time have been as under:-

<i>Sr. No.</i>	<i>Date</i>	<i>Pay scale</i>	<i>Ref. of Govt. order</i>	<i>Remarks</i>
1.	<i>Prior to 1/4/79</i>	<i>100-160</i>	-	-
2.	<i>w.e.f. 1/4/79</i>	<i>350-500</i>	<i>12/20/IPR(FD) 80 dt. 21/7/80</i>	-
3.	<i>w.e.f. 1/2/81</i>	<i>400-600</i>	<i>1/2/1/2PR (FD) 80 dt. 3/7/81</i>	-
4.	<i>w.e.f. 1/1/86</i>	<i>950-1400</i>	<i>GSR 88/CONT/ACP/309 and (1) 87dt. 19/10/87</i>	-
5.	<i>w.e.f. 1/5/90</i>	<i>1200-2040</i>	<i>6/23-3PR (FD) 88 dt. 26/7/91</i>	<i>For Technical posts for which minimum qualification is Matric with ITI certificate/ Poly technical.</i>

The petitioners never worked in scale of 120-250/140-250/400-660/420-700/480-760 and did not possess qualification of Matric with 2 years ITI certificate and as per their own admission in para 2 of petition they possess qualification of Matric with ITI certificate only as such they are not entitled to pay scale of Rs.1,200-2,040/- w.e.f. 1/1/86 and scale of Rs.1,200-2,040 have already been allowed to them w.e.f. 1.5.90 as per Govt. policy/ Notification dated 26.7.91 (Copy enclosed as Annexure R-2). Besides the issue involved in this case already stand decided/ upheld by Hon'ble Supreme Court of India in CA No.4010 of 2002 titled as State of Haryana V/s Jagroop Singh in favour of respondent (Copy of said Judgment is enclosed as Annexure R-3). Thus the CWP deserves dismissal."

6. Learned State counsel has canvassed arguments on similar lines as the stand taken in the aforesaid written statement. Neither any replication has been filed to the afore-noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

7. I am in agreement with the stand taken by the respondents. I do not find any irregularity either in law or in facts. The defence taken in the return as above is upheld.
8. In view of the aforesaid, no grounds are made out to interfere.
9. Dismissed.

(ARUN MONGA)
JUDGE

August 22, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No