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

CWP No.1599 OF 2000 (O&M)

Date of Decision : 03.08.2022

Mahender Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sandeep Verma, Advocate
for the petitioners.

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

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter-alia*, seek issuance of a writ in the nature of Mandamus for directing the respondents to declare the post of Mate/Gang Mate as a higher one than the post of Beldar. Consequential relief of higher pay scale has also been sought.

2. Succinct facts first. Petitioners, at the relevant time, were working as Mate/Gang Mates in the Irrigation Department of Haryana. Post of Mate is stated to be a Supervisory post qua Beldars and is also a promotional post for a Beldar. Grievance of the petitioners is that prior to the year 1979, Mates used to draw more salary than the Beldars. They were thus kept in higher pay scale. However, after revision of pay in January, 1996 the pay scale of

Mates and that of Beldars were made equivalent, notwithstanding that Beldars work under the supervision of Mates.

3. Learned counsel for the petitioners argues that total 8 Beldars work under one Mate which is thus a supervisory post. He places reliance on Clause 8.71 of Chapter 8 of the Manual of Administration of the department to contend that a Canal Patroller (Beldar) has to work under the supervision of Mates. The said clause is reproduced herein below:-

“8.71. A canal patrol works (is) directly under the instructions of a canal overseer or his representative, Mistri, or Mate. Within the limits of his charge, his duties are –

- a) To ensure the safety of the canal with its connected masonry works, railways, banks, roads avenues and plantations and to prevent any damage thereto;*
- b) To keep jungle growth on canal banks and plantations under control, to maintain the railways banks and roads in satisfactory state of repairs;*
- c) To prevent cattle tress pass in Irrigation Works within the limits of its Charge;”*

4. As per the learned counsel for the petitioners, the aforesaid clause clearly reveals the supervisory capacity of Mates over Beldars.

5. Even in the return filed by the State in para Nos.4 & 5, it is not disputed that the petitioners were working as Mates at the relevant time. However, their claim was denied on the ground that merely because 8 Beldars were to work under the control of Mate/Gang Mate would not entitle them to seek higher pay-scale. It is further stated in the return that Mate/Gang Mate was not a supervisory authority over Beldars since Mate/Gang Mate were

neither technically qualified nor any academic requirements had been attached to their appointment. It is though accepted that under Clause 8.71 *ibid* Canal Patroller/Beldar has to work under the instructions of Mate.

6. I find that the stand taken by the State is totally contrary to the import of Clause 8.71 *ibid*. In the premise, writ petition is disposed of with a direction that the respondents shall look into the grievance of Mates/Gang Mates keeping in view the Clause 8.71 *ibid* and take a decision thereon as expeditiously as possible but in any case within a period of 6 months from the date of receipt of a certified copy of this order.

7. 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