

Sr. No.689

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-16023-2000 (O&M)
Date of decision: 24.05.2022

Om Parkash Dhingra and others	Vs	...Petitioners
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 herein, *inter alia*, is for issuance of a writ in the nature of mandamus directing the respondents to re-fix the pay and pension of the petitioners in the revised pay scales as introduced w.e.f. 01.04.1979, 01.01.1986 and 01.01.1996 after restoring the deduction/cut of alleged excess payment of adhoc relief.

2. Petition was admitted on 13.08.2002.

3. When called out for hearing, there is no representation on behalf of the petitioners. 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. On the other hand, learned State counsel argues that claim of the petitioners in any case has already been negated on the judicial side in as much as similarly situated employees had approached this Court vide CWP No.1426 of 2020. The writ petition was dismissed vide order/judgment dated 20.02.2020 by Single Bench and Intra Court appeal preferred against the same vide LPA No. 255-2021 also met the similar fate.

5. 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 2 and 5 of the reply on merits, which are reproduced herein below for ready reference:-

“2. That the contents of para No.2 of the Writ Petition are admitted to the extent that the petitioners are serving/retired employees of the Govt. of Haryana and governed by same set of Rule/Instructions. However, issued regarding DA cut has already been adjudicated upon by this Hon’ble Court as well as by the Hon’ble Apex Court and the observation of the Hon’ble Apex Court in O.P.Sharma’s (Supra) case have binding effects under Article 141 of the Constitution of India.

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5. That in reply to para No.5 of the writ petition it is submitted that adhoc relief given to neutralize the price rise and it was only a way of concession. The State Govt. granted adhoc relief from time to time to mitigate the hardship of its employees. As a matter of fact adhoc payments were just adhoc and when more precise calculations to bring the DA in line with price index were made the adjustment of excess relief was justified. It is further stated that the stipulation regarding adjustment of excess payment made in Annexure P-3 cannot be termed as arbitrary, without just and legal basis. It is further submitted that the interests of the employees are related to the general interest of the State and the various economic policies and programmes undertaken for the development of the State have to be kept in view while granting the relief towards its employees.”

6. I am in agreement with the stand taken by the respondents as aforesaid. 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. In view of the aforesaid, no grounds are made out to interfere.
Dismissed.

24.05.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No