IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.586

CWP-15838-1999 (O&M)
Date of decision: May 19, 2022

Dalip Singh Deswal ...Petitioner

Versus

State of Haryana and Others ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

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 Selection Grade of Rs.700-1250 to the petitioner, which was meant for S.D.E., from the date his juniors were granted the same.

2. Petition has been lying admitted since 23.07.2002.

3. When called out for hearing, there is no representation on behalf of petitioner. 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 petitioner seems to have lost interest in pursuing the same.

4. Even otherwise, it appears that even on merits, claim of petitioner is not admissible in view of the following stand taken in para Nos.1 to 4 of preliminary submissions of the written statement filed on behalf of respondent Nos.1 to 4, which are reproduced herein for ready reference:

> ***"1.*** *That the selection grade to an official is allowed on the basis of his service record and not only on the basis of seniority.*
>
> ***2.*** *That Sh. Dalip Singh Deswal, JE was considered for grant of selection grade of Rs.700-1250 w.e.f. 1.4.79, 13.8.81 and 9.12.83, but he was not found fit on the basis of his service record as he did not earn 50% Good Reports on these dates, which was a requirement for the Grant of Selection grade. Summary of ACRs of the petition is attached as Annexure R-1.*

ASHISH
2022.05.24 17:41
I attest to the accuracy and
integrity of this document

3. *That the CWP No.14561 of 1992 filed by Sh. A.D. Chaudhary JE and others regarding fixing of their pay in the pre-revised selection grade of Rs.450-500 w.e.f. 1.4.79 and thereafter in the revised selection grade of Rs.700-1250. This CWP was decided on 21.1.97 in favour of petitioners. It was decided by the Respondent No.2 vide Order No.5036-5106-PH/ET-I dated 18.9.97 (Annexure P-2) that the pay of Junior Engineers, who have been allowed the selection grade of Rs.700-1250 w.e.f. 1.4.79 to 28.2-80 be fixed in the existing scale of selection grade of Rs.450-500 w.e.f. 1.4.79 and then their pay be fixed in the revised selection grade of Rs.700-1250. As the petitioner was not allowed the selection grade of Rs.700-1250 w.e.f. 1.4.79 to 28.2.80 on the basis of his service record, the decision dated 21.1.97 in CWP No.14561 of 1992 and order issued by Respondent No.2 on 18.9.97 are not applicable to him. Hence, the petitioner is misleading this Hon'ble Court.*

4. *That the petitioner was given current duty charge of SDE in his own rank & pay scale vide order dated 18.2.97 (Annexure R-2) and he joined on 3.3.1997. These orders for giving the current duty charge of SDE were withdrawn vide orders dated 4.3.1998 (Annexure R-3). Subsequently he was again given the current duty charge of SDE vide order dated 24.8.98 (Annexure R-4). As such, the petitioner never worked in the scale of SDE and the salary has been paid to him in the scale of J.E."*

5. I am in agreement with the stand taken by the respondent-State as aforesaid because a perusal of summary of confidential report of the petitioner (Annexure R-1) reflects that the petitioner did not meet the requisite parameters.

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 19, 2022
ashish

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

ASHISH
2022.05.24 17:41
I attest to the accuracy and
integrity of this document