

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

CWP-3609-2002 (O&M)

Date of Decision:14.10.2022

Sube Singh and others

.....Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. R.K. Malik, Sr. Advocate
with Mr. Sandeep Dhull, Advocate
for the petitioners.

Mr. Saurabh Mohunta, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing decision dated 27.01.1992 (Annexure P-3) to the extent that the anomaly be removed w.e.f. 01.01.1986 instead of 01.01.1992 and also seeking direction to the respondents to grant revised scale w.e.f. 01.01.1986.

2. The controversy herein has already been decided by Learned Single Judge of this Court in CWP No.546 of 2001, titled ***Suresh Chander and others vs. State of Haryana and another***, decided on 15.07.2009, wherein speaking for this Court Ranjit Singh, J. (as he then was in this Court) observed as below:-

“The petitioners were working as Junior Engineers and prior to 1.1.1986, they were fixed in the pay scale of Rs.700-1250 (time scale), Rs.800-1400 was the selection grade admissible to 20%. The pay scales of Junior Engineers were revised w.e.f. 1.1.1986 and the scale now available to them was Rs.1400-2300. Selection grade was also enhance to Rs.1640-2900 and made applicable to 50%. There was some anomaly was removed and they were granted pay scale in the scale of Rs.1640-2900 (Time Scale) and those who have completed 15 years of service were granted pay scale of Rs.2000-3200. This anomaly though removed, but w.e.f. 1.1.1992, whereas the anomaly had come to exist w.e.f. 1.1.1986. Against this action of removing the anomaly from 1.1.1992, some of the Junior Engineers approached this court with a prayer that this anomaly be removed w.e.f. 1.1.1986. The writ petition was allowed on 13.8.1999. Still,

the judgment passed by this court was not implemented qua all similarly situated persons. The petitioner after serving a demand notice, filed this writ petition, which was admitted.

The respondent-State subsequently filed a review petition against order vide which the amount was recovered. This court, however, dismissed the revision petition. State then challenged the same by filing a Special Leave Petition, which was also dismissed. Some of the similarly situated Junior Engineers also filed separate writ petitions, which have also been allowed by the Division Bench of this court vide its order dated 11.4.2008. Against this order, the State again filed a Special Leave Petition, which has also been dismissed on 23.1.2009. Mr. R.K. Malik, Senior Counsel had handed over the copy of the order passed by the Hon'ble Supreme Court to Mr. Harish Rathee, Sr. DAG, Haryana.

The fact that Special Leave Petition filed by the State Stands dismissed is not in dispute. Mr. Malik has also drawn my attention to another order passed by Single Bench of this Court allowing the similar prayer made in some of the writ petitions on the basis of these judgments which have now acquired finality.

To be fair to Mr. Rathee he submits that the Government has again challenged this order by filing a Special Leave Petition when similar order was passed in some of the other writ petitions. Be that as it may, as on date more than one court has taken a view that the anomaly is required to be removed w.e.f. 1.1.1986. It has been so ordered in number of cases. The controversy in the present writ petition is, thus, squarely covered by the decisions relied upon and referred to above.

Following the same course, I allow this writ petition with a direction to the respondents to grant the revised pay scale of Rs.1640-2900 and Rs.2000-3200 w.e.f. 1.1.1992. However, the arrears in all these cases would be restricted to a period of 38 months prior to the filing of the writ petitions. Let the arrears due to the petitioners be paid within a period of three months from the date of receipt of copy of this order. There shall be no order as to costs."

3. The aforesaid judgment was challenged by way of intra court appeal by way of LPA which was dismissed and even the SLP filed against the same was also dismissed.

4. In the premise, since the judgment relied upon by the learned Senior Counsel has attained finality, whereby the similarly

situated Junior Engineers have already got the relief as claimed by the petitioners herein, I see no reason why on parity same treatment be not accorded to the petitioners.

5. Writ petition is accordingly allowed. Arrears of pay of the Petitioners are also restricted to 38 months prior to filing of the writ petition, as was held in the judgment *ibid*. Necessary consequential benefit be disbursed to the petitioners within a period of three months from today.

6. Pending civil miscellaneous application, if any, also stands disposed of.

(ARUN MONGA)
JUDGE

October 14, 2022

ashish

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No