

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

Item No.362

**CWP No.8047 of 1997 (O&M)
Date of decision: 20.04.2022**

Mrs. Sudershan Narang and others ... Petitioners

Versus

The State of Haryana and another ... Respondents

Coram : Hon'ble Mr. Justice Arun Monga

Present : None for the petitioners.

Mr. Sharan Sethi, Addl.A.G., Haryana.

Arun Monga, J. (Oral)

Petition was filed in the year 1997, *inter alia*, for issuance of a writ in the nature of mandamus directing the respondents to implement the Directive Principle contained in Article 39(d) of the Constitution of India and to treat the petitioners alike with their counterparts posted in English wing in the matter of grant of special pay for discharging and performing same and similar duties.

2. Petition was admitted on 01.04.1998.
3. None appears on behalf of the petitioners. It seems that by sheer effluxion of time and pendency of the writ petition for around 25 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

para No.7 of the written statement, which is reproduced herein for ready reference:

“7. That in reply to para 7 of the petition it is submitted that earlier Act, Ordinances, Rules, bye-laws and Regulations were being legally examined, scrutinized and published in the Legislation Branch (English Wing) of this department. In order to give wide publicity to the Hindi in the offices of Haryana State, the Official Language Act, 1969 was passed. The post of Deputy Legal Remembrancer and Deputy Secretary, Assistant Legal Remembrancer, Codification and Publication Officer and Translators were created in the Hindi Cell of this Department. Thereafter designation of the above said posts were changed from time to time. Now the designation of the above said posts are as Legislative Officer (Hindi) and Deputy Secretary, Deputy Legislative Officer (Hindi), Codification and Publication Officer (Hindi) and Assistant Legislative Officer (Hindi) respectively. The Hindi Wing and English Wing consists of the following posts:-

<u>English Wing</u>	<u>Hindi Wing</u>
1. D.L.R. & D.S. = One	L.O. (Hindi) & Dy. Secy. = One
2. A.L.R. = One	D.L.O. (Hindi) = Three
3. Supdt. (Legal) = One	A.L.O. (Hindi) = Five

It is incorrect that the abovesaid officers of Hindi Wing perform the same duties as the officers of English Wing. It is submitted that on the representations made by staff of Hindi Cell, comments from the then Legal Remembrancer and Secretary to Government, Haryana, Law and Legislative Department were obtained. The Legal Remembrancer, Haryana sent his comments vide Memo No.2877 dated 15.9.94 and Memo No.308 dated 5.2.1996. The Legal Remembrancer intimated that the Superintendent (Legal) deals with the Legislation matters, Opinion and Litigation cases and is required to required to consult the latest case law and they render legal assistance to the officers for enabling them to form a correct and legal view. As against it, the primary function of the Assistant Legislative Officer/Deputy Legislative Officer (Hindi Cell) is to translate the Statutes, Notifications etc. These officers are not required to study the latest judicial pronouncements as their duty is not to examine the case from legal point view. The Legal Remembrancer had also informed that there is certainly no parity in the nature of duties being performed by the officers of the Hindi Cell and the others in this department and that the principle of equal pay for equal work is not strictly applicable and there appears to be no justification in the demand of representationists for claiming the special pay on the pattern of the special pay being paid to the

Supdt. Legal, Assistant Legal Remembrancer and Deputy Legal Remembrancer. A copy of the comments of Legal Remembrancer dated 15.9.94 and 5.2.96 is enclosed herewith as Annexure R-I and R-II."

5. Be that as it may, writ petition is disposed of with liberty to the petitioners to file an appropriate application in case, any cause of action still survives.

April 20, 2022
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(Arun Monga)
Judge

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