

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

CWP-44-2001 (O&M)

Date of decision: May 25, 2022

Mohammed Saffi

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 2001, *inter alia*, for issuance of a writ in the nature of Certiorari to quash impugned order dated 30.10.2000 (Annexure P-8) vide which the claim of the petitioner for granting pay scale of Rs.5450-8000 has been rejected and order of recovery has been passed. Further a writ in the nature of Mandamus has been sought directing respondent No.3 not to deduct the salary of the petitioner and to pay salary in the pay scale of Rs.5450-8000 as already granted vide order dated 17.05.2000 (Annexure P-3).

2. Petition was admitted for hearing on 22.01.2002.

3. When taken up for final adjudication, after around 21 years, there is no representation on behalf of the petitioner. In the premise, no useful purpose would be served to issue fresh notice to the petitioner as the same too would be an exercise in futile. Even the address of the petitioner is also perhaps not complete as is borne out from the memo of parties.

4. 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 petitioner seems to have lost interest in pursuing the same.

5. In any case, it appears that even on merits, claim of the petitioner is not admissible in view of the following stand taken in Para-4 of the reply filed by respondents No.1 to 3, which is reproduced herein for ready reference:-

“4. That now the Govt. has revised/ modified the pay scale of Unani Dispenser from Rs.3050-4590 to 4500-7000 w.e.f. 1.1.96 vide his Memo No.2/23/98-4HBIV dated 22.1.2002 (copy enclosed as Annexure R-3) at par with that of Ayurvedic Dispenser on the same terms and conditions as are provided in the letter No.61/65/98-3PR(FD) dated 7.8.98. The pay of the petitioner has also been fixed in the revised pay scale of Rs.5450-8000 w.e.f. 1.1.96 vide order No.41/pay fix/A1/AY/HR/2002/70 dated 22.1.2002. (Copy enclosed as Annexure R-4) payment of all arrears and other benefit admissible to the petitioners on account of this revised pay scale and pay fixation is being made shortly. As already stated in para No.1 above that the cadre and seniority of both posts of Ayurvedic and Unani Dispenser are separate, as such the petitioner is not entitled for the benefit of pay fixation towards increment on the basis of seniority of Ayurvedic dispenser, because of this benefit is only admissible to the persons in the same cadre.”

6. Learned State counsel has canvassed arguments on the similar lines as the stand taken in the aforesaid written statement.

7. 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.

8. In view of the aforesaid, no grounds are made out to interfere.

9. Dismissed.

(ARUN MONGA)
JUDGE

May 25, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No