

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

Sr. No.602

**CWP-944-2000 (O&M)
Date of decision: May 19, 2022**

A.L. Satija, Under Secretary

...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 2000, *inter alia*, for issuance of a writ in the nature of certiorari to quash order dated 15.03.1999 (Annexure P-10), whereby claim of the petitioner regarding grant of open pay scale to the Private Secretaries of F.C.'s Office, Haryana was rejected and seeking directions to the respondents to grant open ended scale to the petitioner on the post of Private Secretary, in the pay scale of Rs.2000-3500, on the analogy of open ended scale granted to the Private Secretaries of Haryana Civil Secretariat.

2. Petition has been lying admitted since 15.02.2000.

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 21 years before this Court, it has been rendered infructuous and/or petitioner seems to have lost interest in pursuing the same.

4. 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 No.1 of preliminary submissions of the written statement filed on behalf of respondent Nos.1 to 3, which is reproduced herein for ready reference:

“1. That the State Government vide Finance Department letter No.10/14/91-2PR(FD), dated 26.06.1992 (P-2) had decided to extend the benefit of ‘open ended pay scale’ for the Private Secretaries of Haryana Civil Secretariat and this was given effect from the date of issue of the letter. The General Secretary, Financial Commissioner’s Office, Haryana, Personal Staff Association vide representation dated 3.7.1992 (P-3)

requested that since the nature of duties and the pay scales of the Private Secretaries working in Haryana Civil Secretariat and Financial Commissioner's Office, Haryana were identical, therefore, the benefit of open ended pay scale also be extended to the Private Secretaries of Financial Commissioner's Office w.e.f. 26.6.1992 on the analogy of the Private Secretaries of Haryana Civil Secretariat. The matter was considered and it was found that the case of Private Secretaries of Financial Commissioner's Office was distinct from that of the Private Secretaries of the Haryana Civil Secretariat as the former were promoted as Under Secretaries and Deputy Secretaries who would also claim a similar benefit. As such, the demand of the General Secretary, Financial Commissioner's Office Personal Staff Association was not accepted. Thereafter, one of the Private Secretaries Shri A.L. Satija (now Under Secretary) gave a legal notice dated 18.3.1996 (P-6) through his Advocate for the grant of open ended pay scale on the analogy of the Private Secretaries of Haryana Civil Secretariat. On consideration, the matter was kept pending till the receipt of the report of Pay Commission. After the receipt of the report of the Pay Commission, the matter regarding grant of open ended pay scale to the Private Secretaries of Haryana Civil Secretariat was examined by the High Powered Officers' Committee, which after careful consideration decided to withdraw the open ended pay scale granted to the Private Secretaries of Haryana Civil Secretariat. Accordingly, the facility of open ended pay scale has been withdrawn from the Private Secretaries of Haryana Civil Secretariat vide Finance Department Circular Letter No.1/65/98-3PR(FD) dated 7.8.1998 (R-1).....

.....The promotional avenues of both the sets of employees were also not similar. The Private Secretaries of Financial Commissioner's Office can get promoted to the posts of Under Secretary and Deputy Secretary whereas the Private Secretaries of Haryana Civil Secretariat are not eligible for this benefit. It was in this background that the facility of open ended pay scale to the Private Secretaries of Haryana Civil Secretariat was extended for taking care of stagnation etc. Keeping in view the above facts and that the facility of open ended pay scale extended to the Private Secretaries of Haryana Civil Secretariat stood withdrawn vide State Government Letter dated 7.8.1998 (R-1), the Answering Respondent has already informed the petitioner by way of a speaking order dated 15.3.1999 (P-10) that the demand of open ended pay scale cannot be accepted."

5. I am in agreement with the stand taken by the respondent-State as aforesaid. The same in any case has not been controverted either by way of replication or by way of any additional affidavit.
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
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No