

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

CWP-12688-2014 (O&M)

Date of decision: August 17, 2022

Rajender Kumar Sethi and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Manoj Chahal, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondents to grant second ACP Scale i.e., Rs.9,300-34,800 + G.P. 5,200/- after completion of 18 years as well as designation of Additional Sub Divisional Engineer at par with their counterparts working in all other Departments w.e.f. 01.01.2006 with all consequential benefits along with interest @ 18% on the arrears from the date it became due till realization.

2. Facts are not in dispute. My attention has been drawn as regards the controversy as the Junior Engineers working in the Agriculture Department are entitled to parity with the Junior Engineers working in the Public Works Department. I need not labour all over again since the controversy is *res judice* in terms of a Division Bench judgment dated 09.07.2002 rendered by this Court in CWP-4216-2001 where speaking for

the Division Bench Vinay Mittal, J. (as he then was in this Court) held as under:-

“It is thus clear that once the State Government had decided to equate the pay scales of all the Engineers including the petitioners then subsequently, it could not justify to discriminate between one class of Engineers and the other on the ground that the work load/responsibility of one class of Engineers was more than the other class. The stand taken by the respondents in this regard is totally untenable and, therefore, we order that the orders Annexure P-10 cannot be legally sustained and are hereby quashed. The petitioners shall be entitled to the benefit of higher pay scales at par with the Engineers working in the Public Works Department. The petitioners shall also be entitled to payment of the arrears of pay at the aforesaid pay scales and will also be entitled to the revision of the pay scales admissible to them from time to time.

Another claim has been made by the petitioners with regard to the additional increment, which has been declined to the petitioners vide orders Annexures P-4 and P-5. During the arguments, Sh. R.K. Malik, learned counsel for the petitioner has submitted that with regard to the aforesaid additional increment, the petitioners would make a representation to the competent authority. We find that if such a representation is made by the petitioners within one month from the day the certified copy of this order is received, then the competent authority, to whom the representation is made shall decide the same within two months thereof, by passing a speaking order and by affording an opportunity of hearing to the petitioners. It is also made clear that in fact the orders Annexures P-4 and P-5 would not be taken into consideration while deciding the aforesaid representation filed by the petitioners in this regard.

Thus the present writ petition is allowed with the abovesaid observations with no order as to costs.”

3. In view of the aforesaid, learned counsel for the petitioners further draws my attention to an administrative decision dated 11.08.2014 (Annexure P-7) taken by the Department vide which the Division Bench judgment was implemented *qua* those who were found eligible at the time of relevant time. He submits that petitioners despite having become eligible for according the benefit of ACP on parity with Junior Engineers working in the PWD, have not been accorded the similar benefit.

4. Accordingly, writ petition is disposed of with a direction to the respondents to process the case of the petitioners on parity with Junior Engineers working in the PWD in terms of the Division Bench judgment *ibid* within a period of 6 months.
5. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 17, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No