

Kiran Bala and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Neeraj Kumar, 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 remove the condition of diploma in Engineering for promotion to the post of Sub-Inspector.

2. Succinct factual background first. Petitioners were appointed as Manual Assistant in the Department of Food and Supplies, Haryana. State Government issued a notification dated 05.04.2001 (Annexure P-2) whereby pay-scale of Manual Assistant has been mentioned as 3050-75-3950-EB-80-4350. There are 19 permanent posts and 7 temporary posts of Manual Assistants, making total of 26 posts. For promotion as Inspector, the experience required for Manual Assistant is 7 years with two years' Diploma in Engineering, which is not possible to obtain during service because in each district there are no evening colleges available and if the petitioners completed the diploma from Distance Education, that is not valid in the State. Petitioners submitted their representation on the CM window and in its comments, it has been mentioned that point no.4 is correct as per law.

3. I have heard rival contentions of the parties and perused the record.

4. While issuing notice of motion, following order was passed on 04.07.2017:-

“Notice of motion at this stage only specific to the issue of non-grant of the grade pay of Rs.1900/-, returnable on 04.10.2017.”

5. In the written statement dated 11.01.2018 filed on behalf of the respondents, following stand has been taken in Paras-4& 5, which is reproduced as below:-

“4. That petitioners give their representation in the O/O ACSFA on 08.10.2015 for revision of grade pay of Manual Assistant to Rs.2,800/- after the expiry of last date (i.e. 11.06.2015) fixed for submission of comments on the representations of employees before the Secretary, Pay Anomalies Commission, Haryana. As revision/fixation of pay scales is the job of pay anomaly committees, the representation of the petitioners was forwarded to the Secretary, Pay Anomalies Commission, Haryana vide this office letter No.7(1)-2015/33313 dated 01.12.2015 with the recommendation to revise the grade pay of Manual Assistant to Rs.1,900/-.

5. That no revision of grade pay has been recommended till date by the Secretary, Pay Anomalies Commission, Haryana.”

6. In view of the aforesaid, there is nothing much for this Court to adjudicate. Writ petition is disposed of with the direction to the competent authority to pass appropriate orders in view of the stand taken in the return and in case, petitioners are found entitled to increase of grade pay, benefit thereof be given within 3 months from today.

(ARUN MONGA)
JUDGE

August 31, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No