

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

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CWP-21635-2016

Date of decision : 10.05.2022

Krishan Kumar & others

... Petitioners

Versus

Haryana Cooperative Sugar Mills Ltd. and another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. R.K. Malik, Senior Advocate with
Mr. Varun Veer Chauhan, Advocate for the petitioners.

Ms. Chhavi Sharma, Advocate for the respondents.

Mr. Sharad Aggarwal, AAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

The petitioners had sought fixation of their pay at their entry level pay scales and had challenged the action of the respondents where they were granted the initial pay scale without taking into consideration the grade pay.

Learned Senior counsel for the petitioners contends that the petitioners had been appointed on various posts in the Haryana Cooperative Sugar Mill Ltd. from 2009 to 2014. He has filed an additional affidavit of the petitioners in Court which is taken on record. He also submits that in terms of the Haryana Civil Services (Revised Pay) Rules, 2008, dated 01.09.2009 (Annexure P-2), the benefits of the revised pay scale were made applicable to all the employees including the petitioners who had joined after 01.09.2009. He further submits that during the pendency of this petition, the respondents after realizing the error in fixation of the pay of the petitioners, have now placed them in their respective pay scales in terms of the notification dated 30.12.2008

(Annexure P-2). However, the petitioners have only been given the notional benefits from the date of their respective appointments and have been arbitrarily denied the actual benefits.

Learned counsel for the respondents submits that the pay of the petitioners has been fixed in their respective pay scales as per the notification dated 01.09.2009 read with circular dated 11.11.2009 (Annexure P-6) from the date of their initial appointment vide the order dated 31.03.2021. He also submits that he has received instructions that the case of the petitioners for payment of arrears from the date of their initial appointment is under consideration of the respondents.

Heard.

The petitioners had been given the revised pay scale from the date of their initial appointment. There does not seem to be any justifiable basis to deny them the actual benefits w.e.f. the date when the revised pay scale has been granted to them. The case of the petitioners for appointment of actual benefits is under consideration of the respondents.

Consequently, the petition is allowed. The respondents would pay the arrears of the pay scale from the date of initial appointment of the petitioners within a period of six months. The petitioners would not be entitled to the claim any interest on the arrears.

(ANUPINDER SINGH GREWAL)
JUDGE

May 10, 2022
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No