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

CWP No. 18596 of 2017

DATE OF DECISION: 27.05.2022

Ranjit Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. P. C. Yadav, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of writ in the nature of certiorari for quashing letter dated 22.08.2012 and order dated 23.04.2007 (Annexures P-8 and P-4 respectively) vide which pay scale of Rs.5500-9000 has been denied to him, whereas said pay scale has already been granted to the Craft Sighted Teacher but the petitioner has been ignored being visually impaired. Further prayer has been made for directing the respondents to grant pay scale of Rs.5,500-9,000/- w.e.f. 01.01.1996 and to release the arrears of pay after re-fixation of pay with interest.

2. On 21.08.2017, following order was passed:-

“Admittedly the petitioner was appointed in the year 1999 and, therefore, counsel restricts the prayer of arrears from the date of appointment and not from 01.01.1996.

Notice of motion for 27.11.2017.”

3. Petitioner was appointed as Basketary Teacher vide memo dated 21.01.1999 in the pay scale of Rs.5,000-7,850/- in the Training Centre for the Adult Blinds, Sonapat and he joined his duties on 08.02.1999. In order to remove pay anomaly, Government of Haryana took a decision and modified the pay scale of Rs.5,000-7,850/- to Rs.5,500-9,000/- w.e.f. 01.01.1996.

4. Petitioner was not given benefit thereof and he submitted a representation which was rejected by respondent No.3 vide impugned order dated 23.04.2007 (Annexure P-4) on the ground that pay scale was modified for the Craft Sighted Teachers working in Government Blinds Schools, Panipat and not for Craft Sighted Teachers working in Government Training Centre for Adult Blinds.

5. Feeling aggrieved, petitioner approached this Court by way of filing writ petition bearing CWP No.1727 of 2012. During the pendency of aforementioned writ petition, the petitioner was granted pay scale of Rs.5,500-9,000 w.e.f. 22.08.2012 instead of from the date of his appointment, as claimed by the petitioner, and that petition was dismissed as withdrawn with liberty to challenge the notification dated 22.08.2012 (Annexure P-8). Hence, the petition.

6. Having heard the rival contentions what emerges thus, as is clearly borne out from the return filed by the respondents, that against the claim of the petitioner to seek higher pay scale in the pay band of Rs.5,500-9,000/- he has already been accorded pay scale of Rs.5,500-9,000 w.e.f. 22.08.2012. The same was later revised and modified to Rs.9,300-34,800+4,200 for Basketry Teacher. However, in the case of Craft Sighted Teacher it has been revised in the pay scale of Rs.9,300-34,800+4,600, though earlier they fell in the pay band of Rs.5,500-9,000/-.

7. Qua his claim that Rs.5,500-9,000/- ought to have been given to the petitioner with effect from the date of his appointment, it appears, as has been also argued by learned State counsel, his claim would be covered if the calculations of the arrears of the salary payable to him are made with effect from 22.01.1999 i.e. his date of appointment.

8. Be that as it may, in order to balance the equities, in case it is found that there is marginal difference between the two pay scales, let the pay scale of Rs.5,500-9,000/- (as revised later) be granted to the petitioner w.e.f. the date of appointment and the revised pay band of Rs.9,300-34,800+4,600 from the date of its revision and the arrears thereof be given to him alongwith interest @ 5% p.a. from the date it fell due till the date of its realization.

9. The writ petition stands disposed of in aforementioned terms.

MAY 27, 2022
shalini/ashish

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No