

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

CWP-22718-2018

Date of Decision: 25.08.2022

Maha Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dheeraj Chawla, Advocate
for the petitioner.

Mr. Sandeep Singh Mann, Addl. A.G., Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance of the petitioner is that petitioner is entitled for the grant of salary equivalent to one Angoori Devi, who was junior to the petitioner in the same manner, as has been extended to the similarly situated employees. Learned counsel for the petitioner further argues that number of employees, who were junior to the petitioner but were senior to Angoori Devi, filed a writ petition being CWP-9918-2013 decided on 01.05.2015 titled as '*Jaswant Singh and others Vs. State of Haryana and others*' and all the petitioners in the said petition were extended the benefit of pay scale equivalent to that of Angoori Devi by this Court, while passing order in CWP-9918-2013 decided on 01.05.2015. Learned counsel submits that though, the petitioner is similarly situated as the petitioner in *Jaswant Singh's* case (supra) but the petitioner has not been extended the benefit on the ground that the petitioner was not party to the said case.

After notice of motion, the respondents have filed the reply wherein, the claim of the petitioner has not been contested on merits but only on the ground of delay.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is a conceded position that a Coordinate Bench of this Court in *Jaswant Singh's* case (supra) allowed the claim of the similarly situated employee by passing order in CWP-9918-2013 decided on 01.05.2015. In the said case also, the respondent had taken an objection of delay, which objection was not found favourable by the Court and the benefit was allowed in the favour of the petitioners in CWP-9918-2013. It is a conceded position that the petitioner is similarly situated as the petitioners in CWP-9918-2013 that being so, the petitioner also cannot be denied the benefit as extended to the petitioners in CWP-9918-2013.

Division Bench of this Court in '**Satbir Singh Vs. State of Haryana, 2002(2) S.C.T. 354**', has already held that once a question of law has been settled, the benefit of the same is to be extended to all the similarly situated without forcing them to the approach this Court. The relevant paragraph of the judgment is as under:-

“11. State has pervasive obligations to discharge in relation to maintaining its expected standards of employer-employee relationship. As already noticed, one of the important facets of such obligations is to be reasonable and fair in granting service benefit to its employees in accordance with service rules and the principles enunciated on pronouncement of judgments by the Courts. When judgments attain finality to which the State is a party, duty is casted upon the State to grant relief to its employees who

*are similarly situated and on identical facts. Benefit of such approach are many and it causes no disadvantage to the interests of the State. It is not necessary for the State to require each one of its employees to approach the Courts of law for grant of a relief which the State ought to grant to the employees in normal course of its administration, particularly, the cases of the kind afore-referred. Such principles is well known and accepted for years now. By referring to few judgments we would only predicate the principle with greater emphasis of its application in the day-to-day affairs of the State. In the case of **Dr. (Mrs.) Santosh Kumari v. Union of India and others , JT 1994 (7) SC 565 :1995(1) SCT 527(SC)** the Hon'ble Apex Court held as under :-*

" The allotment of seats should go according to merit. It does not depend upon who comes to Court and who does not. The matter is one of principle and should not depend upon who comes to the court. A more deserving candidate may not have the means of approach the Court."

Keeping in view the above, the claim of the petitioner, being covered in her favour by *Jaswant Singh's* case (supra), is allowed in the same terms and conditions. It is made clear that in the present case, the petitioner will be entitled for the arrears only from the date of filing of the present petition, which was filed in the year 2018.

25.08.2022
ps-I

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No