

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

(116)

CWP-24264-2022

Date of Decision : November 30, 2022

Dr. Jitendra Kumar Agarwal

.. Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Roopak Bansal, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the grievance of the petitioner is that though the petitioner is working on the post of Joint Director but a special allowance of Rs.3,000/- which the petitioner was getting while working as Principal, has not been extended to him, which is causing prejudice to the petitioner as while working as Principal, which is a lower post than that of Joint Director hence, a benefit admissible while working as Principal cannot be withdrawn upon promotion to the post of Joint Director.

Learned counsel for the petitioner argues that the said claim of the petitioner has been declined by the respondents vide order dated 30.05.2022, a copy of which has been appended with this petition as Annexure P-6 and the reason given for not granting the special pay of Rs.3,000/- is totally arbitrary and illegal.

I have heard learned counsel for the petitioner and have gone

through the record with his able assistance.

The respondents, while declining the claim of the petitioner for the grant of allowance of Rs. 3,000/- which petitioner was getting while working as Principal, have clearly mentioned that the post of Principal is getting a special allowance of Rs.3,000/- keeping in view the notification issued by the Government of Haryana. As per the respondents, the notification allowing of Rs. 3,000/- is only admissible to an officer working as Principal and said benefit has been extended keeping in view the duties of the post of Principal and as there is no provision in the rules or the notification issued by the respondent-State of the grant of special allowance to the post of Joint Director, the same has not been extended to the petitioner while working as Joint Director. The grant of allowance, which is over and above the pay, depends upon the nature of duties being performed by a particular cadre and the same has to be extended by the employer. Once, the State, in the fitness of things, has granted the special allowance to the post of Principal only but has not extended the same to the Joint Director, no grievance can be made for the grant of special allowance.

Regulating of the grant of special pay is entirely upon the employer, who is the best Judge. The interference by this Court can only be under circumstances that two similarly situated employees are being discriminated.

In the present case, it is a conceded position that the duties of the post of Principal are entirely different than the Joint Director. That being so, no discrimination can be claimed for the grant of special pay as being asked for by the petitioner.

No interference is called for by this Court in the impugned order.

Accordingly, the writ petition is dismissed.

November 30, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No