

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(136)

CWP-23724-2022

Date of Decision : October 17, 2022

Gyanender

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jawahar Lal Goyal, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the grievance being raised by the petitioner is that the withdrawal of the interim relief by the respondents from 01.01.2016 to 30.09.2016 amounting to Rs.18,000/- is bad and therefore, order dated 20.09.2022 (Annexure P-12) may kindly be rejected.

Learned counsel for the petitioner submits that as per the recommendation of the 7th Pay Commission, the interim relief was discontinued. As per the notification of the Government of Haryana dated 28.10.2016 by which, the recommendation of the 7th Pay Commission were accepted, with regard to the interim relief, it was clearly mentioned that the same will stand discontinued from 01.01.2016 onwards and the amount already paid will be recovered from the employees. As per the said recommendation, employees are not entitled for the interim relief starting from 01.01.2016 is not denied by the petitioner. Relevant clause of the notification is as under:-

“(b) The Interim Relief Rs.2,000/- (Two thousand rupees

only) per month paid to Group C and D employees is discontinued from Ist January, 2016 and the same paid from 01.01.2016 onwards shall be recovered from them.”

Learned counsel for the petitioner further submits that the said recommendation will only be implemented in case, an employee opts for the revised pay scale from 01.01.2016 but in case, an employee has opted for the revised pay scale, from subsequent date, the employee will continue to get the interim relief, hence, the action of the respondents in not paying the petitioner the interim relief from 01.01.2016 till 30.09.2016 is bad. The said interpretation of the notification dated 28.10.2016, a copy of which has been appended as Annexure P-2 by the petitioner, is not made out by plain reading of the notification.

Once, the recommendation made by 7th Pay Commission does not include the interim relief from 01.01.2016, the same cannot be correlated with regard to the option being given by the petitioner for the revised pay scale from a subsequent date. The implementation of the recommendation is to be seen by the State of Haryana which have already come w.e.f. 01.01.2016. It can be safely said that from 01.01.2016 onwards, there was no interim relief to be paid to the employees and if paid, was to be recovered, hence, the grievance being raised by the petitioner is contrary to the notification dated 28.10.2016 (Annexure P-2) and cannot be accepted.

Accordingly, the writ petition is dismissed.

October 17, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

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