

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

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CWP-28763-2022

Date of decision : 21.12.2022.

Raghuvir Singh and another

... Petitioner

Versus

Guru Jambheshwar University of Science and Technology, Hisar and others

.. Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Gopal Sharma, Advocate for the petitioners.

Mr. Shreenath A. Khemka, Advocate for the respondents

Anupinder Singh Grewal, J. (Oral)

The petitioners have impugned the orders dated 02.02.2022 and 19.01.2022 (Annexure P-9 and P-7 respectively) whereby their applications for fixation of their pay at par with their juniors have been rejected.

Learned counsel for the petitioners submits that the petitioners, who have been working as Assistant Technical Officers with the respondent/University, are getting lesser pay than three employees, namely, Rajkumar Bhutani, Deepak Khurana and Sandeep Kumar, who are junior to them. He also submits that the case of the petitioners for grant of pay at par with their juniors had been rejected on the ground that the petitioners have already got three promotional increments.

Learned counsel for the respondents/University has filed reply in Court which is taken on record. He, while referring to the reply, submits that the petitioners have got three promotional increments and therefore, they cannot be granted pay equal to the aforementioned employees.

Heard.

The petitioners, who are working as Assistant Technical Officers with the respondent/University, are admittedly senior to the three aforementioned employees. The pay scales of these employees are higher than that of the petitioners which would be impermissible in view of the law laid down by the Supreme Court in the case of **Commissioner and Secretary to the Government of Haryana and others versus Ram Sarup Ganda and others, 2007 (3) RSJ 154** wherein it has been held that an employee who is senior cannot be granted lesser pay than his juniors even though he may have got the benefit of ACP scales.

This Court in the case of **Balbir Singh versus State of Haryana and others**, bearing CWP No.20032 of 2015, decided on 22.11.2019, in somewhat similar circumstances, had allowed the petition on the ground that the petitioner therein, who was senior, was getting lesser pay than his juniors.

In view of the above, the petition is allowed and the impugned orders 19.01.2022 and 02.02.2022 (Annexure P-7 and P-9 respectively) are set aside. The pay of the petitioners would be stepped up at par with their juniors and they would also be paid arrears of pay accruing therefrom. The needful shall be done within a period of two months from the date of receipt of certified copy of this order.

(ANUPINDER SINGH GREWAL)
JUDGE

December 21, 2022
sonia gugnani

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