

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

115

CWP-105-2023

Date of decision:06.01.2023

Satyanarayan Bajwan

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vikram Singh, Advocate and
Mr. Ishnoor Singh, Advocate for the petitioner.

SUVIR SEHGAL J. (ORAL)

Instant writ petition has been filed under Article 226/227 of Constitution of India for issuance of a writ in the nature of mandamus for directing the respondents to grant the benefit of higher pay scale of Rs.1200-2040 in view of instructions dated 09.08.2010, Annexure P-1, and to decide the legal notice dated 28.10.2022, Annexure P-2.

Counsel for the petitioner submits that the petitioner was appointed as Water Pump Operator in Public Health Department on 15.08.1975 and he superannuated from service on 31.03.2019. Counsel submits that the petitioner has been granted pensionary benefits as per the old pay scale, but he has not been granted benefit of higher pay scale. He submits that although a controversy arose, which was adjudicated upon by this Court as to whether non-matric and non ITI Certificate holders can be granted the benefit of higher pay scale, but the same has been finally settled and instructions dated 09.08.2010, Annexure P-1, have been issued by the State of Haryana granting notional benefits to all the employees. Counsel for the petitioner has also made a reference to the judgment dated 22.04.2015, Annexure P-3, passed by this Court. Additionally, he submits

that the petitioner is a matriculate, though, he does not possess the ITI Certificate and his case is squarely covered vide instructions, Annexure P-1, as well as judgment, Annexure P-3, passed by this Court. Counsel submits that a legal notice, Annexure P-2, has been served upon the respondents, but the same has remained unattended and the petitioner would be satisfied, in case, direction is issued to the respondents to look into it.

Notice of motion.

On asking of the Court, Mr. Pankaj Middha, Addl. A. G., Haryana, accepts notice on behalf of the respondents. He has invited the attention of the Court to the provisions of the Haryana (Abolition of Distinction of Pay Scale between Technical and Non Technical Posts) Act, 2014, to contend that the petitioner is not entitled to the higher pay scale.

Having heard counsel for the parties, writ petition is disposed of with a direction to Engineer in Chief, Public Health Engineering Department, Panchkula, respondent No.3 to examine the legal notice, Annexure P-2, and pass an appropriate administrative order within a period of 04 months from the date of receipt of certified copy of this order. In case, the petitioner is found entitled to any ensuing benefits, the same be released to him within a period of 03 months thereafter.

06.01.2023
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No