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

**CWP No.1124 of 2019 (O&M)  
Date of Decision: 17.01.2023**

**BRIJ MOHAN SHARMA**

**.....Petitioner**

**Vs**

**STATE OF HARYANA AND OTHERS**

**.....Respondents**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. R.K. Malik, Senior Advocate with  
Mr. Sandeep Dhull, Advocate  
for the petitioner.

Mr. Tapan Kumar Yadav, D.A.G., Haryana.

Mr. Parshant Sethi, Advocate for  
Mr. Ajay Sharma, Advocate  
for the respondent No.3.

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**RAJ MOHAN SINGH, J.(Oral)**

The petitioner has preferred this writ petition under Article 226 of the Constitution of India for the issuance of an appropriate writ in the nature of certiorari, quashing the impugned order dated 27.06.2018 passed by the Director General, Higher Education, Haryana/respondent No.2.

The petitioner was appointed as Manuscript Copyist in the pay scale of Rs.2200-4000/- on 02.03.1994. The selection of the petitioner was made by a duly constituted selection

committee. At the relevant time, the pay scale of Rs.2200-4000/- was admissible to the Lecturers as prescribed by the University Grants Commission. The Government of Haryana had revised the pay scale of its employees w.e.f. 01.01.1996. The revision of pay scale was also made applicable to the employees of the University in the State of Haryana w.e.f. 01.01.1996.

The respondent No.3 recommended the case of the petitioner for his entitlement to the pay scale of Rs.8000-13500 w.e.f. 01.01.1996. The Government of Haryana also granted approval to the revision of pay scale of the petitioner from Rs.2200-4000/- to Rs.8000-13500/- w.e.f. 16.09.2003. On representation filed by the petitioner, the aforesaid anomaly has been corrected and the petitioner was held entitled to pay scale of Rs.8000-13500/- w.e.f. 01.01.1996 vide the first part of the impugned order.

The State of Haryana again revisited the pay scale of its employees w.e.f. 01.01.2006 and also decided that all the employees of the University in State of Haryana are also entitled to the aforesaid revision w.e.f. 01.01.2006. The respondent No.3 constituted the Committee in this context and the Committee vide recommendation dated 22.10.2009 recommended the case of the petitioner for his entitlement to the revised pay scale of Rs.15600-39100 + GP Rs.6000/- w.e.f. 01.01.2006. The respondent No.3 has also recommended to the

State Government to grant necessary approval vide letter dated 06.11.2009, but the State of Haryana did not take any decision resulting in filing of CWP No.5798 of 2018 by the petitioner. The said writ petition was disposed of with a direction to the State Government to look into the grievance of the petitioner in his legal notice dated 01.02.2018 and take a conscious decision in accordance with law.

The respondent No.3 in the context of order passed in CWP No.5798 of 2018 again recommended the entitlement of the petitioner for revised pay scale of Rs.15600-39100 + GP Rs.6000/- w.e.f. 01.01.2006. The detailed justification given by the University is reproduced hereasunder:-

**“Detailed Justification ( in response to Point No.7):**

*The post of Manuscript Copyist existed in the University in the pay scale of ` 700-1600 which was an equivalent pay scale to that of Lecturer in the UGC and was not in existence in the Haryana State. This pay scale was further revised w.e.f. 01.01.1986 in the pay scale of ` 2200-4000 on the pattern of UGC. Though the pay scale of ` 2200-4000 was also introduced in the Haryana State w.e.f. 01.01.1986 but the same was the revision of pay scales of 980-1850; 940-200; 1000-1800; 1200-1700 & 1200-1860. Hence, it is evidence that the pay scale of the post of Manuscript Copyist was at par with the UGC pay scale prescribed for the post of Lecturer.*

*Sh. Brij Mohan Sharma was appointed to the post of Manuscript Copyist w.e.f. 02.03.1994 (AN) in the pay scale of ` 2200-4000. Later on, he was allowed pay*

*scale of ` 8000-13500 w.e.f. 16.09.2003 instead of 01.01.1996 as per 5<sup>th</sup> Pay Commission. His request for grant of pay scale of ` 8000-13500 w.e.f. 01.01.1996 was forwarded to the State Government but the same was not acceded to by the State Government. Accordingly, he opted to seek legal remedy and filed a CWP No.13471 of 2007 against the State Government thereby making a party to the University, which is still pending. It is also worth mentioning here that UGC also prescribed the pay scale of ` 8000-13500/- w.e.f. 01.01.1996 for the Lecturers.*

*Further, the pay scales of all non-teaching employees were revised by the State Government as per 6<sup>th</sup> Pay Commission w.e.f. 01.01.2006 but pay scale in respect of Manuscript Copyist was not conveyed besides the fact that appropriate information regarding all the posts, including the post of Manuscript Copyist, as sought by the State Government prior to revision of pay scales as per 6<sup>th</sup> Pay Commission, was supplied. Accordingly, a committee was constituted by the University to recommend revision of pay scales in respect of Sports Coaches, Manuscript Copyist and Assistant Editor in the University. The said committee after going through the issue recommended that Sh. Brij Mohan Sharma, Manuscript Copyist may be placed in the pay scale of ` 15600-39100 + GP ` 6000 w.e.f. 01.01.2006 which was the corresponding revision for the pay scale ` 8000-13500 in the UGC. Since the University cannot any pay scale on its own level, accordingly, the matter was referred to the State Government for approval and the State Government did not approve the recommendations of the committee.*

*Further, the State Government has also*

*conveyed revised pay scales in respect of non-teaching employees of the University w.e.f. 01.01.2016 as per 7<sup>th</sup> Pay Commission but no revised pay scale for the post of Manuscript Copyist has been conveyed.*

*Accordingly, Sh. Brij Mohan Sharma filed CWP No.5798/2018 titled as Dr. Brij Mohan Sharma vs. State of Haryana and others for granting him the pay scale of ` 15600-39100 + GP ` 6000 w.e.f. 01.01.2006 as per 6<sup>th</sup> Pay Commission and further to revise his pay scale w.e.f. 01.01.2016.*

*So from perusal of the whose case, it reveals that Sh. Brij Mohan Sharma since his joining as Manuscript Copyist in the University enjoyed the pay scale at par with the pay scale as prescribed for the Lecturers by the UGC. So, the recommendations of the committee for grant him pay scale of ` 15600-39100 + GP ` 6000 w.e.f. 01.01.2006 are in order.*

**\*\* Comments of Audit (in response to Point No.3):**

*“Audit agrees with the justification given by the concerned branch. However, it is the prerogative of government to decide the pay scale of the post according to the judgment of Hon'ble High Court of Punjab & Haryana in CWP No.5798 of 2018 decided on 09.03.2018.”*

CWP No.5798 of 2018 was ultimately disposed of vide order dated 09.03.2018 without expressing any opinion on the merits of the case however with direction to the respondents to look into the grievance i.e. how the impugned order/letter dated 27.06.2018 came to be passed.

Perusal of the aforesaid letter would indicate that the

Government has decided to slash down the proposed pay scale of Rs.15600-39100 + GP Rs.6000/- to Rs.9300-34800 + GP Rs.5400 .w.e.f. 01.01.2006 without giving any cogent reasons.

In the written statement filed by the respondents No.1 and 2, an effort has been made to explain the reasons for passing the impugned order dated 27.06.2018 which in my considered opinion are not tenable. The impugned order/letter dated 27.06.2018 is totally non-speaking and the same needs to be quashed.

For the reasons recorded hereinabove, this petition is allowed. The impugned order/letter dated 27.06.2018 passed by the respondent No.2 is set aside only to the extent of slashing down the proposed pay scale of Rs.15600-39100 + GP Rs.6000/- to Rs.9300-34800 + GP Rs.5400 however with a liberty to revisit the issue again in the light of attending facts and circumstances of the case preferable within a period of two months from the date of receipt of certified copy of this order.

January 17, 2023

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)  
JUDGE

Yes/No

Yes/No