

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

CWP-5419-2023  
Date of Decision: 22.03.2023

Mahender Kumar

....Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Parth Goyal, Advocate, for  
Mr. Rohit Mittal, Advocate, for the petitioner.

**HARNARESH SINGH GILL, J.**

The petitioner prays for issuance of a writ in the nature of Mandamus directing the respondent-Department to step up his pay at par with his junior respondent No.3, who is stated to have been drawing higher salary than the petitioner. The petitioner seeks further direction mandating the official respondents to decide his representation dated 13.08.2019 (Annexure P.6).

It is the case of the petitioner that he belongs to the General Category. He was appointed as Master on 01.01.1991 and was subsequently promoted as Middle Headmaster on 08.07.2013. Respondent No.3, who belongs to the reserved category, was also appointed as Master and he joined as such on 21.01.1992 and was promoted as Middle Headmaster on 28.11.1997 in his quota.

Learned counsel for the petitioner would vehemently argue that respondent No.3, despite being junior to the petitioner, is getting higher pay than him. While placing reliance

upon the communication dated 05.03.2009 (Annexure P.1) issued by the Chief Secretary to Government of Haryana, he submits that the Government had taken a decision to give benefit of stepping-up of pay to the general category employees at par with their junior counterparts belonging to the reserved category. Learned counsel for the petitioner would specifically refer to para No.4 of the aforesaid communication, which reads as under:-

“4. Keeping in view the aforesaid judgment, it has been decided to give the benefit of stepping-up of pay to the general category employees at par with that of their junior counterparts of reserved category at level 2, 3 & 4 i.e. Assistant, Deputy Superintendent and Superintendent or as the case may be. The officials/officers concerned will be entitled to the benefit of pay and allowances notionally from the date their juniors belonging to reserved categories were promoted and actual benefit of stepping-up of pay will be admissible to them from the actual date of promotion in their respective cadres. However, such benefits may be given with the approval of Appointing Authority.....”

Besides the said communication, learned counsel for the petitioner also relies upon the decision of a Coordinate Benches of this Court in CWP-8318-2010 – Kiran Bala and another vs. State of Haryana and another’, decided on 28.04.2011 and CWP-17280-2011 – Prem Kumar Verma and others vs. State of Haryana’ decided on 07.08.2012. Yet further, the learned counsel for the petitioner contends that though the matter has attained finality upto the Hon’ble Supreme Court, yet petitioner has been denied the benefit of stepping-up of the pay.

It is further submitted that the petitioner has already submitted a detailed representation dated 13.08.2019 (Annexure P.6) to respondent No.2-Director of Elementary Education, Haryana, which is yet pending consideration. It is, thus, submitted that the petitioner would be satisfied in case, a time bound direction is issued to the said respondent to decide the aforesaid representation.

Notice of motion to respondent Nos. 1 and 2 only, at this stage.

On the asking of the Court, Mr. Rajesh Guar, Addl. AG, Haryana, accepts notice on behalf of respondent Nos. 1 and 2 and states that the petitioner may move a fresh representation detailing his grievances and the same would be considered by the official respondents, in accordance with the Rules/Instructions.

In view of the above, the petitioner may move a move a fresh representation within 15 days from today and upon his doing so, respondent No.2- Director Elementary Education, shall decide the same within a period of 08 weeks thereafter, in view of the Rules/Instructions/Communication dated 05.03.2009 (Annexure P.1) issued by the Chief Secretary to Government of Haryana.

Disposed of accordingly.

22.03.2023  
ds

**(HARNARESH SINGH GILL)**  
**JUDGE**

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