

CWP-5534-1999 (O&M)

. 2023:PHHC:122352

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CWP-5534-1999 (O&M)
Date of Decision :-14.09.2023

**Rajinder Kumar Nandral (deceased) through
LRs and others**

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Sharma, Advocate for the petitioners.

Mr. Sourabh Mohunta, DAG, Haryana.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present petition, the grievance of the petitioner is that though, he was entitled for the grant of increment after fixation of his basic pay @ Rs.10,500/- and the respondents were liable to grant him the basic pay @ Rs.11,000/-, but the said benefit was not granted to him, which action on the part of the respondents is arbitrary and illegal.

As per the facts mentioned in the petition, the petitioner was appointed as Legal Assistant in the year 1976 and, thereafter, he was promoted as Superintendent in December,1976 and as his pay scale was revised w.e.f. 1.1.1986, the benefit of pay revision was extended to the petitioner. Petitioner continued working as such when pay scale of the post on which, he was working was further revised. Learned counsel for the

petitioner argues that pay of the petitioner was fixed @ Rs.10,500/- vide order dated 01.04.1998 and that too w.e.f. 01.01.1986 but he was not granted the benefit of an increment, which act on the part of the respondents is arbitrary and illegal.

In the reply filed by the respondent-department, it has been mentioned that the basic pay of the petitioner was fixed on the maximum of the basic pay as envisaged in pay scale fixed for the post on which he was working and once, after an employee attained the maximum of the basic pay in the pay scale, no further increment can be granted otherwise, the pay of the employee will go beyond the pay scale fixed, which is not permissible under law. Hence, the grievance being raised by the petitioner that his basic pay should have been fixed @ Rs.11,000/- is contrary to the pay scale fixed for the post on which the petitioner was working, which was Rs.6500-10500/-.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Pay scale of the post on which the petitioner was working as on 01.01.1986 was Rs.6500-10500/-. Once, it is a conceded fact that no employee can be granted basic pay over and above the pay scale fixed for a particular post, the claim of the petitioner to grant him increment even after fixing his basic pay in the maximum basic pay of Rs.10500/- cannot be allowed. In the present case, the petitioner had already been granted maximum basic pay admissible to an employee working in the pay scale of Rs.6500-10500/- and after an employee gets maximum basic pay, no further enhancement in the basic pay can be done and the claim of the petitioner that his basic pay should be fixed @ Rs.11,000/- will be contrary to the pay scale

granted to the post of Superintendent, on which post the petitioner was working on 1.1.1996 hence, the said prayer cannot be accepted.

Learned counsel for the petitioner submits that once an employee had attained maximum basic pay, the respondent-department should have come out with the same relief to be granted to the said employee so that an employee can get an increment even after attaining the maximum basic pay.

The said situation is to be taken care by the respondent-department and not by this Court. Once, no instructions of the Government has been brought to the notice of this Court that even after getting the maximum basic pay envisaged for a particular post still an increment is to be granted to the said employee, no benefit of increment can be granted to the petitioner after fixing the basic pay at Rs.10,500/-.

Keeping in view the facts and circumstances noticed hereinbefore, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

Civil miscellaneous application pending if any, is also disposed of.

September 14, 2023
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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