

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

LPA-481-2022 (O&M)

Date of decision: 04.12.2023

State of Haryana and another

...Appellants

Vs.

S.D. Anand

...Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY**

**Present: Mr. Deepak Balyan, Addl. A.G., Haryana,
for the appellants.**

Ritu Bahri, Acting Chief Justice

1. The instant appeal, under Clause X of the Letters Patent Appeal, is against the judgment dated 03.02.2022 passed by the learned Single Judge of this Court, whereby petition (CWP-2388-2019) filed by petitioner-respondent has been partly allowed and the respondent-State (appellant herein) has been directed that the petitioner be treated at par with and paid his dues in terms of appointment letters issued to the Chairman of the Haryana Tax Tribunal and Chairman of Haryana Backward Classes Commission.

2. Prayer of the petitioner-respondent, in the writ petition, was qua non-fixation of the terms and conditions of his appointment as President of Appellate Authority, Haryana State Pollution Control Board (for short 'HSPCB') despite lapse of 22 months after his appointment and his having

3. The aforesaid petition has been allowed keeping in view the fact that a serving Judge of the High Court or a former Judge is allowed to be appointed on the post of President of the Appellate Authority of HSPCB.

4. In the written statement, the respondent-State had admitted that with respect to the appointment of Justice L.N. Mittal (Retd.) as Chairman of the Haryana Tax Tribunal and Mr. S.N. Aggarwal (Retd.), Chairman of Haryana Backward Classes Commission, facilities have been provided to them at par with the sitting High Court Judges.

5. In the affidavit dated 09.08.2019 filed by the Under Secretary, Government of Haryana, it is stated that staff car along with free petrol and staff has been provided to the petitioner as per Annexure R2/6 (Colly.). However, with regard to demand of other Perks and facilities i.e. accommodation/HRA, LTC, Library, Free Electricity, Free Water, 12 Officers/Officials, Telephone, I-Pad, Cordless Phone, Mobile set, has been denied on the ground that there is a huge difference of work load/dispensation between the sitting High Court Judge and that of a President of a Tribunal.

6. Similar issue had come up for consideration before this Court in CWP-8362-2017, titled as **Justice Iqbal Singh (Retd.) vs. State of Haryana and another.** In this case, the petitioner was a retired Judge of the High Court and was appointed as Commissioner, Gurdwara Elections, Haryana by the Government. However, respondent-State did not give perks like payment of water charges, electricity charges, fuel charges, telephone charges, furnishing charges and salary of peons etc. during the relevant period he worked as a Commissioner. On the intervention of the Court, the department gave an undertaking to make the payment of all the dues, including payment of salary, perks and salary as per revised pay scales.

The said petition was disposed of vide order dated 27.07.2018 on an affidavit dated 26.07.2018 filed by the Special Secretary to Government of Haryana.

7. In the facts of the present case, while allowing the petition, learned Single Judge has observed that only a serving Judge of the High Court or a former Judge is eligible to be appointed on the post of President of the Appellate Authority of HSPCB. Moreover, it was not the case of the State Government that the post of President of Appellate Authority of HSPCB is not a statutory post. When a retired Judge of the High Court is appointed as President of the Tribunal, he has to be given the same salary and other perks as are given to the sitting Judge.

8. After going through the contents of appeal as well as the impugned judgment, this Court is of the view that the appellant-State has been rightly directed to pay all the dues to the petitioner-respondent in terms of appointment letters issued to the Chairman of the Haryana Tax Tribunal and Chairman of Haryana Backward Classes Commission. Hence, no ground is made out to interfere in the well reasoned judgment passed by learned Single Judge.

9. Resultantly, finding no merits, present appeal stands dismissed. Since the main appeal has been dismissed, all the pending applications stand disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

04.12.2023
ajp