

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CWP-5414-2008 (O&M)
Decided on : 14.11.2023

Chander Bhan

. . .petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Jagjeet Beniwal, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Learned counsel for the petitioner argues that the petitioner is entitled for stepping up of pay equivalent to the juniors of the petitioner keeping in view the fact that a directly recruited junior employee has been getting the higher pay after the grant of the benefit of ACP.
2. Learned counsel for the petitioner submits that keeping in view the pronouncement of Hon'ble Supreme Court of India in Civil Appeal No. 3250 of 2006 tilted as '**Commissioner and Secretary to the Government of Haryana and others v. Ram Sarup Ganda and others**', decided on 02.08.2006, the question of law raised in the present petition is covered in favour of the petitioner.
3. Learned counsel for the petitioner further submits that by placing reliance upon the said judgment passed in **Ram Sarup Ganda's Case (Supra)**, this Court has already allowed a similar plea as being raised by the petitioner in the present petition by passing order in CWP No. 20032 of 2015 titled as '**Balbir Singh v. State of Haryana and others**' decided on 22.11.2019, hence, the present petition may also be allowed in terms of the judgment passed in **Balbir Singh's Case (Supra)** which is based upon the judgment passed by Hon'ble Supreme Court in **Ram Sarup Ganda's case(Supra)**.
4. Learned State counsel on the other hand has not been able to rebut the fact that a direct recruited employee who is junior to the petitioner is getting the higher pay than the petitioner.

5. Learned counsel for the respondents has also not been able to rebut that in the similar facts and circumstances, the Hon'ble Supreme Court of India while passing order in **Ram Sarup Ganda' Case (Supra)** has mentioned that employee who is senior is entitled to the step up of pay in case any junior employee in the same cadre is getting higher pay.

6. Learned counsel for the respondents has further not been able to dispute the fact that the question of law raised in the present petition has already been answered by this Court while passing the order in **Balbir Singh's case (Supra)**

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

8. Keeping in view the facts and circumstances of the present case where the question of law raised in the present petition has already been answered by this Court while passing order in **Balbir Singh's case (Supra)**, which judgment is based upon the judgment of Hon'ble Supreme Court of India in **Ram Sarup Ganda' Case (Supra)**, the present petition be also disposed of in terms and conditions as held in **Balbir Singh's case (Supra)**. The petitioner is held entitled for the grant of stepping up of pay equivalent to the direct recruited juniors who are working in the same cadre as the petitioner w.e.f. the date when the said anomaly occurred.

9. The petitioner is also held entitled for the arrears upon the stepping up of pay. Let the present order be complied with within a period of two months from the date of receipt of copy of this Court.

10. Ordered accordingly.

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

(HARSIMRAN SINGH SETHI)
JUDGE

14.11.2023

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No