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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CWP-19287-2016

DATE OF DECISION:- 13.04.2023

RISHAL SINGH

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Devender Punia, Advocate for the petitioner.

Mr. Saurav Mohunta, Deputy Advocate General, Haryana
for the respondents.

SUVIR SEHGAL, J. (ORAL)

By way of present petition, petitioner has sought issuance of a writ in the nature of certiorari for setting aside impugned order dated 04.12.2014, Annexure P-5, and for issuance of a writ in the nature of mandamus directing the respondents to grant the benefit of selection grade to the petitioner and to release arrears thereof along with interest.

Facts leading to the filing of the petition are that petitioner joined the Agriculture department as a Sub Inspector. Under a scheme sponsored by the World Bank, officials from the Agriculture Department and Gram Sewaks of the Panchayat Department were brought under the Scheme and termed as Village Extension Workers. They performed identical duties and similar functions. Writ petition filed by Gram Sewaks of the Panchayat Department for grant of some service benefits was dismissed by this Court. In SLP, Supreme Court invoked the

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doctrine of promissory estoppel and directed the respondents to confer such rights and benefits as had been assured to them. Counterparts of the petitioners filed CWP No. 6676 of 1986 titled as “Dilbag Singh Manocha and others Versus State of Haryana and others” which was allowed by the writ Court vide judgment dated 21.09.2004, Annexure P-2. In LPA, preferred by the State, a Division Bench of this Court vide judgment dated 03.03.2010, Annexure P-3, directed the respondents to consider the matter afresh.

Counsel for the petitioner submits that after the decision of the LPA, the respondents have re-considered the matter and granted benefit to the counterparts of the petitioner, but the petitioner, who retired from service on 31.12.2011, has not been granted the due benefits. He submits that by virtue of impugned communication dated 04.12.2014, Annexure P-5, respondent No.2 has rejected his claim on the ground that the petitioner was not a party to writ petition.

State counsel has opposed the petition by inviting the attention of this Court to the stand taken in the written statement.

I have heard counsel for the parties and considered their respective submissions.

By its judgment dated 03.03.2010, Annexure P-3, a Division Bench while disposing of the LPA observed as under:-

“7. *We find that though learned Single Judge has proceeded on the assumption that both the classes – Gram Sachivs and Sub Inspectors formed one cadre, we do not find sufficient material on record from this assumption. Only material on record is project, Annexure P-1 which does not provide for constitution of a cadre. Concept of project is different from that of cadre. However, the said*

project provides for incentives to both the categories – Sub Inspectors as well as Gram Sachivs and on that basis the petitioners seeks parity in view of the order of Hon’ble the Supreme Court in the case of Gram Sachivs which claim has to be considered. We are of the view that in the circumstances of the case, it will be in the interest of justice that the matter is required to be considered afresh by the Secretary to Government, Agriculture Department, who may take a decision within three months from receipt of a copy of this order. If the petitioners are not satisfied, they will be at liberty to take their remedy in accordance with law.

8. *The appeal is disposed of accordingly.”*

In the return filed by the respondents, it has been submitted that 450 Gram Sachivs from the Development and Panchayat Department, 493 Agriculture Inspectors (re-designated as Agriculture Development Officers) and 193 Agriculture Sub Inspectors (re-designated as Agriculture Inspectors) from the Agriculture Department were deployed in a World Bank Aided (Training and Visit) Scheme introduced by the Agriculture Department. These officials were given nomenclature of Village Extension Workers for the purposes of the scheme. A categorical stand has been taken that all the three categories of employees belonged to different cadres and were governed by different service conditions with regard to their pay and allowances. Their cadres were never merged and neither any special status was granted nor any assurance of higher pay scale for deployment in the said scheme was extended. It has been further submitted that pursuant to the directions given by the Hon’ble Supreme Court, Gram Sachivs were granted some

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benefits, however, so far as Sub Inspectors from the Agriculture department are concerned, considering all the aspects of the matter, their claim was rejected vide order dated 04.03.2011, Annexure R-2, the relevant extract of which is as under:-

“Keeping the above facts in view, I have come to the conclusion that the respondents formed a separate cadre even during the period they had worked under the World Bank Aided (Training and Visit) Scheme. They were never merged with the Gram Sachivs of the Development and Panchayats Department and Agriculture Inspectors of the Agriculture Department into a single/common cadre even after being designated as Village Extension Workers under the said scheme. Therefore, they cannot be granted parity with the Gram Sachivs drawn from the Development and Panchayats Department for the said scheme. Accordingly, the demand of the respondents of LPA No.41 of 2005 for the grant of parity with Gram Sachivs drawn from the Development and Panchayats Department for the World Bank Aided (Training and Visit) Scheme is not justified and therefore, the same cannot be accepted. Due to various official pre-occupations, the matter could not be decided earlier.”

In view of the above, particularly because of the fact that the petitioner has not laid any challenge to the order, Annexure R-2, passed by the respondents, no relief can be granted to him.

Petition is dismissed.

(SUVIR SEHGAL)
JUDGE

13.04.2023
Kamal

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