

**C.M.No.4402 of 2016 in/and
CWP No.7513 of 2006**

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

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**C.M.No.4402 of 2016 in/and
CWP No.7513 of 2006
Date of decision:17.01.2023**

Hira Lal

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanjiv Gupta, Advocate
for the applicant-petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

On an oral request made by counsel for the petitioner, writ
petition is taken on Board for hearing.

**C.M.No.4402 of 2016 in/and
CWP No.7513 of 2006**

Instant writ petition has been filed under Articles 226/227 of
the Constitution of India for issuance of a writ in the nature of certiorari
quashing the impugned order dated 27.04.2006 (Annexure P-6), whereby,
benefit of Higher Standard Pay Scale/ACP scale granted on completion of
8/18 years service has been withdrawn. Another prayer has been made by
the petitioner for issuance of a writ in the nature of mandamus for directing
the respondents to grant the aforesaid benefit and for staying the recovery

sought to be effected from him.

Petitioner was appointed as Diesel Pump Attendant on 20.03.1986 and was regularized on the same post one year later. On coming into force of Haryana Transport Department (Group-C) Haryana Roadways Rules, 1995, the post was converted and its nomenclature was changed to Diesel Pump Clerk. Some service benefits were granted to the petitioner under the new rules and seniority list was drawn by the department. By show cause notice dated 08.03.2006 (Annexure P-4), ACP/ Higher Pay Scale benefit granted to the petitioner was proposed to be recovered. Petitioner filed response dated 21.03.2006 (Annexure P-5) to show cause notice and by impugned order dated 27.04.2006, General Manager-respondent No.3 withdrew the said benefit and ordered for re-fixation of pay of the petitioner.

Counsel contends that similar orders passed in the case of petitioner's counter-parts were challenged before this Court in a number of cases. Vide judgment dated 04.07.2008 passed by this Court in **Hanumant Singh and others Vs. State of Haryana and others 2008(4) RSJ 756**, a bunch of petitions was disposed of giving certain directions to the respondents. Counsel submits that during pendency of the instant petition, SLP preferred against the Division Bench judgment has been dismissed, vide order dated 10.05.2018 and the matter has attained finality. He submits that in the light of the judgment delivered by the Division Bench, the matter requires re-consideration as the petitioner is also entitled to some additional

benefits in view of the directions given by this Court.

State counsel has, however, opposed the petition and has submitted that benefit of Higher Pay Scale/ACP scale granted to the petitioner by counting his ad-hoc service has rightly been withdrawn and even the Division Bench has held that the petitioner is not entitled to the same. He submits that petitioner in any case would be entitled to other benefits in terms of the judgment passed by this Court.

Having heard counsel for the parties, but without examining the merits of the petition, this Court is of the opinion that keeping in view the judgment of Division Bench, the matter requires to be examined by the respondents. Petition is accordingly disposed of with a direction to the respondents to consider the matter in the light of the judgment passed by the Division Bench and pass a speaking order within a period of four months from the date of communication of this order.

In case the petitioner is found entitled to any benefits, the same shall be paid to him within a period of four months thereafter.

Pending application, if any, is disposed of.

January 17, 2023
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes