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

**CWP No.26791 of 2016(O&M)
Date of Decision: 21.03.2023**

Sukhbir

.....Petitioner

Vs

State of Haryana and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr.Deepak Sonak, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

Mr. Ujjwal Sharma, Advocate for
Mr. Vikas Chatrath, Advocate
for respondents No.5 and 6.

RAJ MOHAN SINGH, J.(Oral)

[1]. The petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of certiorari for quashing the office order No.30 dated 05.05.2016 to the extent of withdrawing the pay scale of 1200-2040, resulting in award of lesser salary to the petitioner with that of his juniors.

[2]. The petitioner was appointed as T-mate on work-charge basis in the respondent-Department on 09.07.1979 and thereafter, he was promoted to the post of electrician w.e.f.

26.12.1985. His services were regularized w.e.f. 01.01.1987 and he ultimately attained the age of superannuation on 31.10.2012.

[3]. Learned counsel for the petitioner submits that vide order dated 05.05.2016, order of promotion was withdrawn and the petitioner was reverted to the post of T-mate on 03.07.2015 and the petitioner has not assailed the said order in any Forum. After passing of the aforesaid order dated 03.07.2015, the respondent No.4 has issued the order/office note dated 05.05.2016, vide which the pay of the petitioner was refixed and the technical pay scale on the post of T-mate was withdrawn. Learned counsel for the petitioner by relying upon order dated 29.03.2022 passed in a bunch case with lead case **CWP No.27127 of 2016** titled **Vijay Kumar Vs. State of Haryana and others** filed by similarly situated persons, whose technical pay scales were withdrawn by the respondent No.4, submits that the said bunch case has already been allowed vide order dated 29.03.2022 and the said order has attained finality and the respondent-Department even implemented the said decision, thereby restoring the technical pay scales of those writ petitioners, however, monetary benefits have been restricted to 38 months prior to filing of the writ petitions.

[4]. Both the parties are *ad idem* that the issue involved in

the present case is also covered by the ratio laid down in **Vijay Kumar's case (supra).**

[5]. In view of aforesaid factual position, the impugned order dated 05.05.2016 is quashed. The petitioner is entitled to technical pay scale and arrears are restricted to 38 months prior to filing of the writ petition on the same principle as laid down in **Vijay Kumar's case (supra).** The amount already recovered from the petitioner on account of withdrawal of technical pay scale, shall be restored back to the petitioner in addition to the arrears towards 38 months prior to filing of the writ petition.

[6]. Disposed of accordingly.

21.03.2023

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No