

CWP-29660-2018 and other connected matters

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2023:PHHC:162929

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 216)

(1) CWP-29660-2018
Date of Decision : 19.12.2023

Mahender Singh and others ...Petitioners

Versus

State of Haryana and others ...Respondents

(2) CWP-1655-2019

Ishwar Singh and others ...Petitioners

Versus

State of Haryana and others ...Respondents

(3) CWP-30704-2018

Hitaish Kumar and others ...Petitioners

Versus

State of Haryana and others ...Respondents

(4) CWP-3010-2020

Kadam Singh ...Petitioner

Versus

State of Haryana and others ...Respondents

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(5)

CWP-16124-2021

Raj Pal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(6)

CWP-5726-2020

Ram Phal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(7)

CWP-9756-2022

Surender Sharma and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Chanderhas Yadav, Advocate for the petitioners
in CWP-29660-2018, CWP-1655-2019, CWP-30704-2018,
CWP-3010-2020, CWP-5726-2020 & CWP-9756-2022.

Mr. R.S. Malik, Advocate for the petitioners
in CWP-16124-2021.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. By this common order, a bunch of writ petitions, the details of which have been given in the heading, are being decided as all these petitions involve the same question of law on similar facts.

2. In the present bunch of petitions, the grievance of the petitioners is that their pay has not been re-fixed in accordance with the revised pay rules, which had come into being w.e.f. 01.01.2016. The further grievance of the petitioners is that by implementation of the ACP Rules, pay anomaly occurs as the seniors are getting lower pay than their juniors, which is not permissible and hence, keeping in view the ACP Rules, the pay of the seniors is to be stepped up equivalent to his/her juniors.

3. Learned counsel for the petitioners submit that the anomaly in fixation of the pay of the petitioners is clear from the averments, which have been made in the written statement itself. Learned counsel for the petitioners argue that it is a conceded position that before 01.01.2016, the grade pays of all the posts in the Cadre concerned was fixed at 4200/- and the pay of the petitioners was to be fixed after 01.01.2016 as per the recommendations made by the respondent-Government. Learned counsel for the petitioners submit that the price index, which was to be made applicable was given in the Notification itself.

4. Learned counsel for the petitioners further argue that in the reply, the price index of 2.57 has been added while calculating the revised pay of the petitioners in the revised grade, which had come into

being w.e.f. 01.01.2016 whereas, the price index of the grade pay 4200/- is 2.62 and not 2.57, which has been made applicable in the case of the petitioners for revising their salary w.e.f. 01.01.2016, hence, the respondents have not revised the pay of the petitioners as per the entitlement of the petitioners keeping in view the grade pay of 4200/-, which they were drawing as on 01.01.2016, hence fixation of pay needs re-look by the department so as to re-fix the correct salary of the petitioners.

5. Learned counsel for the petitioners further argue that keeping in view the ACP Rules, a junior employee, who has been granted the ACP under the revised Rules, which have come into being w.e.f. 01.01.2016, the employees juniors to the petitioners are getting a higher pay as compared to the petitioners, which is not permissible and under the ACP Rules, the benefit of step up is to be given to the seniors, which benefit is not being extended to the petitioners.

6. Learned State counsel very fairly submits that the fixation of pay of the petitioners will be re-looked into and will be re-assessed keeping in view the grade pay, which the petitioners were drawing as on 01.01.2016 and the Notification issued by the Government so as to revise the pay of the employees keeping in view the pay index admissible to the said grade pay, which was being drawn by the petitioners as on 01.01.2016.

7. Learned counsel for the respondents submits that appropriate consideration will be finished within a period of three months from the

receipt of copy of this order and in case, any benefit is to be extended to the petitioners, the same will also be extended from the date, petitioners will become entitled for the same.

8. Learned counsel for the respondents further submits that with regard to the claim of the petitioners that any of their junior is getting a higher pay than the petitioners, will also be looked into and in case, any anomaly is found on the said aspect also, the benefit as required under the Rules will also be extended to the petitioners within the aforementioned period of three months.

9. Learned counsel for the respondents submits that in case the petitioners' salary is fixed in accordance with rules governing the service, appropriate detailed speaking order will be passed for the information of the petitioners giving the details as to how, the salary already fixed of the petitioners is in accordance with Rules governing the service and the said aspect of fixation of pay as on 01.01.2016.

10. Learned counsel for the petitioners submit that keeping in view the statement of learned State counsel, no further grievance of the petitioners survives in the present petitions and the same may kindly be disposed of having been not pressed any further.

11. At this stage, learned counsel for the petitioners submit that it would be appropriate that petitioners are given an opportunity of hearing by the competent authority so that they can explain their position in person so that no point raised by the petitioners is left undecided.

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12. Learned State counsel submits that appropriate personal hearing will also be given to the petitioners before passing the order.

13. Learned counsel for the petitioners submits that keeping in view the above said statement of learned counsel for the respondents, the present petitions may kindly be disposed of having been not pressed any further.

14. Ordered accordingly.

A photocopy of this order be placed on the files of connected case.

December 19th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No