

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105)

CWP-29774-2022

Date of decision : 30.01.2023

Haryana State Lab Technician (Malaria) Welfare Association and
another ...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ravinder Malik (Ravi), Advocate
for the petitioners.

...

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Article 226/227 of the Constitution of India seeking issuance of a writ especially in the nature of mandamus directing the respondents to grant the benefit of pay upgradation from FPL-4 to FPL-6 to the petitioners at par with the pay structure of Lab Technician (General) w.e.f. 01.01.2016 instead of granting pay prospectively, by modifying orders/office note dated 12.05.2022, Annexure P-11, with all consequential benefits.

Counsel for the petitioners submits that petitioner No.1 is a registered Association with 167 members, all of whom are working as Lab Technician (Malaria) and respondent No.2 is an individual, working on the same post. Counsel submits that because of a pay anomaly between the Lab Technician (General) and the pay being drawn by the petitioners, they were

forced to approach this Court by filing a writ petition bearing No. CWP-24047-2017, which was disposed of vide order dated 25.10.2017, Annexure P-6, with a direction to A.C.S., Department of Health to examine the recommendation made by the G. Madhavan Committee and pass a speaking order. By an order dated 20.03.2018, Annexure P-8, counsel submits that the recommendation made by the Pay Anomaly Committee was rejected, which was challenged by the petitioners by filing another writ petition bearing CWP No.23556-2018. Counsel submits that the said writ petition was disposed of vide order dated 14.09.2021, Annexure P-10, with a direction to the A.C.S., Department of Finance, Haryana, to take an administrative decision by keeping in view the letter dated 25.03.2021 sent by the Pay Grievance Redressal Commission. Counsel submits that by office note dated 12.05.2022, Annexure P-11, pay anomaly was removed and the pay structure of the petitioners has been upgraded at par with that of Lab Technician (General), but the same has been done prospectively.

By referring to notification, Annexure P-14, counsel submits that pay anomaly of various categories of employees have been modified by a decision taken on 17.04.2018 and in all the cases, pay structures have been modified w.e.f. 01.01.2016 on notional basis, whereas, the petitioners have been discriminated against. Counsel submits that a representation dated 01.10.2022, Annexure P-13, has been submitted with the respondents, who are sitting on the matter. Counsel submits that the petitioners would be satisfied in case a direction is issued to the respondents to look into the matter.

Notice of motion.

On asking of the Court, Mr. Pankaj Middha, Additional Advocate General, Haryana, accepts notice on behalf of the official respondents.

Given the nature of order being passed, this Court does not deem it necessary to call upon the respondents to file a response.

Having heard counsel for the petitioners, but without commenting on the grievance of the petitioners, writ petition is disposed of with a direction to respondents No.1 and 2 to examine the representation, Annexure P-13, and pass a speaking order examining the claim of the petitioners, within a period of 4 months from the date of communication of copy of this order.

(SUVIR SEHGAL)
JUDGE

30.01.2023
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No