IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA-339-2019
Date of decision: 17.08.2023

SURJEET SINGH **..Appellant**

Versus

STATE OF HARYANA AND ORS **..Respondents**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Chaudhary, Advocate
for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

1. The correctness of the findings of fact arrived at by the First Appellate Court is assailed by the plaintiff in this second appeal.

2. The plaintiff filed a suit for the grant of decree of declaration that he is entitled to basic pay of Rs.5,150/- with effect from 01.01.1996, the date on which his juniors were granted the similar pay scale. The trial Court decreed the suit while relying upon Ex.P-11, the instructions issued by the State. The First Appellate Court found that the instructions issued by the State in Ex.P-11 are not applicable because these are with respect to the difference in pay on account of grant of increments under Assured Career Progression Schemes to the juniors.

3. It has also come on record that the plaintiff remained suspended with effect from 02.08.1973 to 05.05.1977. The plaintiff also failed to prove that there was any error in his pay fixation. The First Appellate Court has compiled the information of the plaintiff as well as various other employees with whom he was seeking parity, which is extracted as under:-

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Surjeet Plaintiff

In the pay scale of Rs.950-1500
Basic pay:-

On 1.5.90	*Rs.1200/-*
On 1.5.91	*Rs.1225/-*
On 1.5.92	*Rs.1250/-*
On 1.5.93	*Rs.1275/-*
On 1.5.94	*Rs.1300/-*
On 1.5.91	*Rs.1225/-*
On 1.5.91	*Rs.1250/-*
On 1.5.92	*Rs.1275/-*
On 1.5.93	*Rs.1300/-*
On 1.5.94	***Rs.1325/-***
On 1.5.95	*Rs.1350/-*
On 1.5.96	*Rs.1375/-*

Basic pay calculated in old grade of Rs. 950-1500		***Basic pay when recast in new grade of Rs.1400-2600***
Rs.1325/-	***1.1.94***	***Rs.1400/-***
Rs.1350/-	*1.5.94*	*Rs.1400/-*
Rs.1350/-	*1.1.95*	*Rs.1440/-*
Rs.1375/-	*1.5.95*	*Rs.1440/-*
Rs.1375/-	***1.1.96***	***Rs.1480/-***
Rs.1400/-	*1.5.96*	*Rs.1480/-*

In the revised pay scale of Rs.5000-150-7100-EB-150-7850
Basic pay:-

On 1.1.96	***Rs.5000/-***
On 1.4.96	*Rs.5150/-*
On 1.4.97	*Rs.5300/-*
On 1.6.97	*Rs.5300/-*
On 1.4.98	*Rs.5450/-*
On 15.5.98	*Rs.5450/-*
On 1.4.99	*Rs.5600/-*
On 13.12.99	*Rs.5600/-*
On 1.4.2000	*Rs.5750/-*
On 2.9.2000	*Rs.5750 /-*
On 1.1.2001	*Rs.5750 /-*
On 1.4.2001	*Rs.5900/-*
On 1.4.2002	*Rs.6050/-*
On 1.4.2003	*Rs.6200/-*
On 1.4.2004	*Rs.6350/-*
On 1.4.2005	*Rs.6500/-*

Charat Singh

In the pay scale of Rs.950–20-1150-EB-25-1500
Basic pay:-

On 1.4.90	*Rs.1325/-*
On 1.1.91	*Rs.1350/-*
On 1.4.91	*Rs.1375/-*
On 1.4.92	*Rs.1400/-*
On 1.11.92	*Rs.1425/-*
On 1.4.93	*Rs.1450/-*
On 1.4.94	***Rs.1475/-***
On 1.4.95	*Rs.1500/-*

Pay recast due to first higher standard scale of Rs.1200-2040
Basic pay:-

On 1.1.94	***Rs.1470/-***
On 1.4.94	*Rs.1500/-*

Revised pay scale of Rs.5000-150-7100-EB-150-7850
Basic pay:-

On 1.1.96	***Rs.5150/-***
On 1.4.96	*Rs.5300/-*
On 1.4.97	*Rs.5450/-*
On 1.4.98	*Rs.5600/-*
On 1.4.99	*Rs.5750/-*
On 1.4.2000	*Rs.5900/-*
On 1.4.2001	*Rs.6050/-*
On 1.4.2002	*Rs.6200/-*
On 1.4.2003	*Rs.6350/-*
On 1.4.2004	*Rs.6500/-*
On 1.4.2005	*Rs.6650/-*

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On 1.4.95 Rs.1330/- ***On 1.4.96 Rs.1560/-*** ***Pay recast due to second higher standard scale of Rs.1400-2600*** ***Basic pay:-*** ***On 1.12.94 Rs.1520/-*** ***On 1.4.95 Rs.1560/-*** *On 1.4.96 Rs.1600/-* *On 1.4.97 Rs.1650/-* *On 1.4.98 Rs.1700/-*	
Inder Singh ***In the pay scale of Rs.1400-40-1600-50-2300-EB-60-2600*** *On 1.1.94 Rs.1470/-* *On 1.4.94 Rs.1500/-* *On 1.12.94 Rs.1520/-* *On 1.4.95 Rs.1560/-* *On 1.4.96 Rs.1600/-* *On 1.4.97 Rs.1650/-*	***Revised pay scale of Rs.5000-150-7100-EB-150-7850*** ***Basic pay:-*** *On 1.1.96 Rs.5150/-* *On 1.4.96 Rs.5300/-* *On 1.4.96 Rs.5300/-* *On 1.4.97 Rs.5450/-* *On 1.4.98 Rs.5600/-* *On 1.4.99 Rs.5750/-* *On 1.4.2000 Rs.5900/-* *On 1.4.2001 Rs.6050/-* *On 1.4.2002 Rs.6200/-* *On 1.4.2003 Rs.6350/-* *On 1.4.2004 Rs.6500/-* *On 1.4.2005 Rs.6650/-*

4. Thus, the appeal filed by the State of Haryana was accepted.

5. The learned counsel representing the appellant contends that with regard to the increments, RSA-1399-1997 is pending in this Court.

6. On the other hand, the learned counsel representing the State of Haryana submits that in this case, the dispute is not with regard to the increments. Hence, the aforesaid pending second appeal is not connected.

7. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

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8. The learned counsel representing the appellant has failed to draw the attention of the Court to any substantive error in reading or non-reading of evidence.

9. Hence, no ground to interfere is made out.

10. Dismissed accordingly.

11. All the pending miscellaneous applications, if any, are also disposed of.

August 17th, 2023 **(ANIL KSHETARPAL)**
Ay **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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