

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-790-2020 (O&M)
Decided on : 15.02.2024

Anil Kumar And Another . .Petitioner
Versus
State of Haryana and others . . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Jagjeet Beniwal, Advocate for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance of the petitioners is that the petitioners are entitled for the grant of benefit of regular pay-scale as extended to the similarly situated employees keeping in view the judgment of the Hon'ble Supreme Court of India in Civil Appeal Nos. 7391-7395 of 2013 tilted as 'State of Haryana v. Mohinder Singh' decided on 31.01.2017(Annexure P-3).

Learned counsel for the petitioner argues that the petitioners were appointed as conductor with the respondents-department but they were not given the benefit of regular pay-scale from the date of their initial appointment, hence, keeping in view the judgment passed by Hon'ble Supreme Court of India in Mohinder Singh's case (supra), the petitioners are also entitled for the benefit of regular pay-scale from the date of their initial appointment.

Learned counsel for the respondents submits that the petitioners though were appointed on the post of Conductor but they resigned from service and had left the job of the department, hence, they cannot claim that their case is similar to Mohinder Singh's case (supra).

Learned counsel for the respondents further submits that only

the employees who were in service could have claimed the benefit of regular pay-scale from the date of their initial appointment not the employees, who had already resigned upto the date of decision of the Hon'ble Supreme Court of India in **Mohinder Singh's case (supra) i.e. 31.01.2017.**

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is a conceded case between the parties that the petitioners had already resigned from service of the department concerned much prior to the date of passing of the judgment in **Mohinder Singh's case (supra)**, i.e. 31.01.2017. The benefit which was granted by the Hon'ble Supreme Court in **Mohinder Singh's case (supra)** was with regard to the employees who were working and not to the employees, who had already left the job.

Even otherwise, as per the rules governing in the service, any benefit for which any employee is entitled for, is forfeited upon the resignation. Once the petitioners have resigned from service, they cannot claim that for the service they had rendered prior to the resignation, that should also be counted so as to grant them benefit of regular pay-scale. The claim of the petitioners that they are similarly situated as the respondent in **Mohinder Singh's case (supra)**, cannot be accepted.

Keeping in view the facts and circumstances of the present case recorded herein above, no ground is made out for inference in the present case, hence the present petition stands **dismissed**.

Pending civil miscellaneous application, if any, shall also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

15.02.2024

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Whether speaking/reasoned: Yes/~~No~~

Whether Reportable: Yes/~~No~~

