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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11176-1997
Date of decision: 02.05.2024

DHARAM PAL SINGH

...Petitioner

VERSUS

HARYANA STATE AGRICULTURE MARKETING BOARD THROUGH
CHIEF ADMINISTRATOR

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Surinder Gandhi, Advocate and
Ms. Alisha Sharda, Legal Aid Counsel for the petitioner.

Ms. Nikita Goel, Advocate for the respondent.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondent to re-fix the pay scale of the petitioner and payment be made on the ground of equal pay for equal work.
2. Learned counsels for the petitioner submitted that the petitioner was entitled for additional pay of Rs.30/- at par with the other similarly situated employees especially, namely, Krishan Chander as mentioned in Annexure P-2 and on the ground of equal pay for equal work, he was entitled for the same.
3. On the other hand, Mr. Nikita Goel, learned counsel for the respondent while referring to the written statement filed on behalf of the respondent submitted that as per the written statement, the aforesaid extra

benefit of Rs.30/- was applicable only to the existing employees and not to the re-employed, whereas the petitioner and the aforesaid Krishan Chander were re-employed because earlier they had served in civil/military service. She further submitted that even as per para No.3 of the written statement on merits it has been so stated that the aforesaid benefit was given to aforesaid Krishan Chander, who was at parity with the present petitioner inadvertently and process is being initiated with regard to the same and extra payment made to him will be withdrawn as per the instructions of the State Government. She also submitted that in view of the aforesaid position, the petitioner cannot claim parity with the aforesaid Krishan Chander.

4. I have heard the learned counsel for the parties.

5. The issue involved in the present case is as to whether the petitioner is entitled for the same pay and benefit of Rs.30/- at par with the similarly situated persons or not. Learned counsels for the petitioner submitted that once the aforesaid benefit has been granted to exactly similarly situated person, namely, Krishan Chander, then the petitioner could not have been denied the aforesaid benefit. However, on the other hand, the learned counsel for the respondent submitted that the aforesaid benefit was to be withdrawn from him. However, during the course of arguments, a query was raised to the learned counsel for the respondent as to whether actually the aforesaid benefit was withdrawn from aforesaid Krishan Chander and as to whether recovery has been effected from him or not, to which she stated that she does not have instructions with regard to the same.

6. In view of above, the present writ petition is disposed of. The respondent is directed to pass a speaking order after taking into consideration

the record of the case and as to whether the aforesaid Krishan Chander has been granted the aforesaid benefit or not and whether it has been withdrawn from him and as to whether recovery has been effected from him or not. In case the aforesaid Krishan Chander, who is exactly at parity with the present petitioner had already availed of the aforesaid benefit, then the petitioner shall also be entitled for the same at par with him but in case the aforesaid benefit was withdrawn from Krishan Chander and recovery has been made from him, then the petitioner will not be entitled for the aforesaid benefit on the ground of parity. A well reasoned speaking order shall be passed by the respondent within a period of three months from today and in case the petitioner is found to be entitled, then he shall be paid the arrears after re-fixation of his pay notionally, along with interest @ 6% per annum, within a period of three months thereafter.

02.05.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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