

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CWP-15099-1996 (O&M)
Date of Decision: 02.02.2024

Hari Ram (Deceased) through his LRs

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Anil Rathee, Advocate for the petitioner

Mr. Rohit Arya, DAG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

In the instant petition the petitioner is claiming Higher Standard Pay Scale of ₹1400-2600 with effect from 01.01.1994, and the arrears of pay as a consequence thereof.

2. Briefly, facts of the case are, the petitioner joined the service as Library Attendant in a college getting grant-in-aid from the State government on 16.05.1969. Later, the college was taken over by the government with effect from 01.08.1979, and the petitioner came in government service. He was promoted as Restorer with effect from 11.05.1992. To remove stagnation, the government introduced Higher Standard Pay Scales for its employees with effect from 01.01.1994; they were to be considered for grant of first Higher Standard Scale on completion of ten years, and the second one on completion

of twenty years of regular service. Accordingly, the college Principal

recommended the petitioner's case for grant of first Higher Standard Pay Scale with effect from 16.05.1979, and the second one with effect from 16.05.1989. The recommendation was, however, not accepted by the Directorate, leading to filing of the instant petition.

3. Learned counsel for the petitioner contends that the petitioner has been wrongly declined the Scales from the due date, and his service from the date of initial joining the college on 16.05.1969 is to be counted for the purpose. It was a regular service in an aided college, and he was taken in government service on that basis. Therefore, he becomes entitled to grant of both the Higher Standard Pay Scales with effect from 01.01.1994, as he completed twenty years of regular service on 16.05.1989 itself. It is further contended that as per latest instructions, dated 18.09.2003, issued by the Commissioner and Secretary to Government of Haryana, Education Department, Group 'C' and 'D' non-teaching employees of the government-aided private colleges have been given Higher Standard Pay Scales with effect from 01.01.1994. Had the petitioner continued working in the aided college, he would have been entitled to these scales with effect from 01.01.1994. Therefore, there is no reason to deny the same to him merely because of being in government service.

4. Learned State counsel, on the contrary, contends that the petitioner has already been granted the due benefit, as admissible to him under the instructions. His regular service in the Department with effect from the date of joining, i.e., 01.08.1979, had been taken into account, and on that basis he was granted first Higher Standard Pay Scale with effect from 01.01.1994, and the second one after completing twenty years of regular satisfactory

service, i.e., from 01.08.1999. Accordingly, the due benefits already stand granted to him, and he has retired from service also with effect from 31.05.2003, on attaining the age of superannuation. Therefore, no other benefit is admissible.

5. Heard.

6. Undisputedly, the petitioner joined government service on 01.08.1979, when the aided college, he was working in, was taken over by the government. Grant of Higher Standard Pay Scales to Group 'C' and 'D' employees is governed by the government instructions, dated 29.12.1995, which require ten and twenty years of regular satisfactory service, subject to fulfilment of other conditions. The petitioner was also extended the due benefit of Higher Standard Pay Scales from the date of his entitlement on the basis of regular satisfactory service rendered in the Department from 01.08.1979. There is no document on record regarding the terms and conditions based upon which the aided college, in which the petitioner was working, was taken over by the government; nor is there any material to establish that his previous service was to be counted as regular satisfactory service in the Department after taking over of the college. Therefore, there is no basis for the claim that the petitioners' service from the date of initial appointment in the aided college should be taken into account for granting these scales.

7. Further, reliance placed by learned counsel for the petitioner on instructions, dated 18.09.2003, regarding grant of Higher Standard Pay Scales to Group 'C' and 'D' non-teaching employees of the government aided

colleges with effect from 01.01.1994, to claim the same benefit for the petitioner, is also misplaced. Firstly, since 01.08.1989 the petitioner had not been in employment of the aided college as it was taken over by the government. He came in government service and accepted all due financial benefits extended to him on that basis, including the Higher Standard Pay Scales. Therefore, at this stage, he cannot claim any benefit by relying upon instructions dated 18.09.2003, nor can he draw any parity with the aided college employees. Secondly, the petitioner superannuated from service on 31.05.2003, and these instructions were issued subsequently. Besides, the same have neither been placed on record, nor any claim on that basis has been raised in the petition.

8. In view of the discussion, there is no merit in the petition, and it accordingly stands dismissed.

9. Pending miscellaneous application(s), if any, stand(s) disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

02.02.2024
Payal

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>