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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-14792-1998 (O&M)
Date of Decision: 08.04.2024

Lekh Ram Vasishta and others

..... Petitioners

Versus

Haryana State Minor Irrigation Tubewell Corporation and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.K. Malik, Senior Advocate assisted by
Mr. Sandeep Dhull, Advocate,
for the petitioners.

Mr. Narinder S. Behgal, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order passed by the respondents by which the pay of the petitioners have been reduced and recovery has been effected.

2. Learned Senior Counsel appearing for the petitioner submitted that the petitioners have been deprived of their higher standard at par with their juniors. While issuing notice of motion to the respondents on 17.09.1998, recovery was stayed and thereafter, the present writ petition was admitted by this Court on 07.12.1998. He further submitted that the case of the petitioners is covered by the judgment passed by the Hon'ble Supreme Court in "Commissioner and Secretary to Government of Haryana and others Vs. Ram Sarup Ganda and others", 2011(15) SCC 772 and

submitted that in this way not only the recovery cannot be effected from the petitioners but even otherwise also their pay has to be revised and refixed and consequential benefits be given in accordance with the aforesaid judgment.

3. On the other hand, Mr. Narinder S. Behgal, learned AAG, Haryana submitted that as per his instructions, the respondent-Haryana State Minor Irrigation Tubewell Corporation has already been wound up and is not in existence as of today. However, he submitted that the employees, who were working in the Haryana State Minor Irrigation Tubewell Corporation, were absorbed/freshly appointed in different organizations of the Government since the respondent-Corporation is not in existence, no such direction can be issued in this regard.

4. After hearing the learned counsel for the parties and in view of the peculiar facts and circumstances, this Court is of the view that if the petitioners were working in the Haryana State Minor Irrigation Tubewell Corporation and their case is covered by the aforesaid judgment of the Hon'ble Supreme Court, then in that situation the petitioners cannot be denied any relief because even if they have been absorbed or freshly appointed in any other organization which the learned counsel for the parties are not aware of, then an action has to be taken in this regard by the respective departments.

5. In view of the above, it is directed that the concerned Secretary, Department of Irrigation, Haryana will consider the aforesaid issue and thereupon, after considering all the facts and circumstances, will pass an order with regard to the prayer of the petitioners pertaining to the grant of

higher standard pay-scale at par with their juniors in the light of the judgment passed by the Hon’ble Supreme Court in *Commissioner and Secretary to Government of Haryana and others Vs. Ram Sarup Ganda and others (supra)* within a period of six months from today.

6. The present petition stands disposed of.

08.04.2024 (JASGURPREET SINGH PURI)
Bhumika JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |