



CWP-14288-1999(O&M) and other connected case -1-

203- 02 cases

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 05.09.2024

1.

CWP-14288-1999(O&M)

KARAN SINGH AND OTHERS

..... PETITIONERS

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS
2.

CWP-7560-2000 (O&M)

SANT LAL BUDHIRAJA AND OTHERS

..... PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

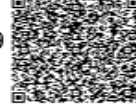
CORAM: HON'BLE MR JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ravi Verma, Advocate and
Mr. B.K. Bagri, Advocate
for the petitioner(s).

Mr. Krishan K. Chahal, Addl. A.G, Haryana

TRIBHUVAN DAHIYA, J. (ORAL)

These two petitions are based on similar facts, and seek direction(s) to the respondents to allow the petitioners to draw salary in the revised pay scale of ₹6500-9900 or ₹6500-10500 with effect from

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1.4.1997/1.4.1998, as fixed/verified by the authorities concerned, after giving the benefit of fitment weightage, i.e., forty per cent of the basic pay in terms of Rule 7 of the Haryana Civil Services (Revised Pay) Rules, 1998.

2. The petitioners' claim has been declined by the respondents only on the ground that they did not exercise the option to switch over to the revised pay scale pursuant to instructions dated 17.09.1998, Annexure P-6 within a period of three months from the date of issuance of the instructions, as stipulated therein.

3. An identical issue, in case of similarly placed employees, already stands decided by this Court vide judgment dated 14.11.2013, rendered in CWP-17225-1999 titled *Om Parkash Verma and Others*.

Relevant paragraph whereof reads as under:

2. I cannot make an inference in the manner canvassed by the counsel for the State. The revised option brought through fresh instructions must be got noted from the respective teachers in order to bind them or there must be some proof that it was notified in a general place permissible that could make possible an inference that due publicity had been given for such a circular to avail of revised options. With no such proof available I would uphold the contentions of the petitioners and I will allow for an extension of time for consideration of their pleas. No fresh requirement for exercising the option is necessary, for, the writ petition itself is to be taken as petitioners' willingness for the revised option which the circular contemplates. Whatever benefits the petitioners are entitled or



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whatever obligations which the petitioners are required to perform, the State shall be at liberty to secure such formalities and grant to the petitioners consequences of such revised option. The entire exercise will be carried out within a period of eight weeks and appropriate orders and disbursal, if any, shall follow.

The judgment has attained finality. These facts could not be disputed by learned State counsel.

4. In view thereof, the instant petitions are allowed in terms of *Om Parkash Verma case (supra)*.
5. Photocopy of this order be placed on the file of other connected case.

05.09.2024
Seema

(TRIBHUVAN DAHIYA)
JUDGE

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