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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-2961-1998(O&M)

Date of Decision: 11.03.2024

R.P. Aggarwal & ors.

..... Petitioners

Versus

The Haryana State Cooperative Supply
and Marketing Federation Ltd.(HAFED) & ors.

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: None for the petitioners.

Mr. Arvind Seth, Advocate,
for respondent No.1.

Mr. Gaurav Jindal, Addl.A.G., Haryana
for respondents No.2 & 3.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari to quash order dated 28.03.1997 passed by respondent No.3 as also writ in the nature of mandamus directing the respondents to grant the special pay to the Section Officers (Accounts) working with the HAFED as has been approved by the Board of Directors as well as Registrar Cooperative Societies as provided under the rules.

2. The present writ petition is of the year 1998 but nobody has appeared on behalf the petitioners. However, the order dated 10.07.2017 passed by the Daily Lok Adalat would show that petitioners No.3 and 4 appeared in person. However, today the case was listed for hearing and when it called nobody has appeared on behalf of any of the petitioners.

3. Learned counsel for respondent No.1 submitted that the petitioners are seeking grant of special pay in the light of the decision of the Board of Directors of the HAFED (Annexure P-8) whereby it was so decided that with regard to revision of pay scale and grant of special pay to the Accountant Grade 'A' (redesignated as Section Officer), the HAFED and Board of Directors had approved the aforesaid agenda Item No.11. He submitted that although it was for the Board of Directors but it was referred to the Haryana Bureau of Public Enterprises for their concurrence and in the absence of their concurrence, the same should not be considered to have been finalised. He submitted that thereafter, vide Annexure P-10, HAFED sent the aforesaid to the Financial Commissioner, Secretary Government of Haryana and also to the Department of Cooperation in this regard. Thereafter, vide order Annexure P-12, the standing Committee of the Public Enterprises under the chairmanship of the Chairman, Haryana Bureau of Public Enterprises and standing Committee did not accord concurrence to the aforesaid approval on the ground that the Section Officer working in the State of Haryana are SAS qualified and having pay scale of Rs.2000-3200+100 S.P, whereas Section Officer working in the Federation (earlier designated as Accountant Grade A) are not SAS qualified so the question of any parity does not arise between the Section Officer of Federation and Section Officer working in the State of Haryana. Therefore, the Standing Committee of the Public Enterprises in consultation with Finance Department did not approve the proposal of the HAFED in regard to grant of special pay to the Section Officers working in the HAFED, who are not SAS qualified. He also submitted that as per the aforesaid, the decision of the Standing Committee was also based upon the judgment of the High Court in

CWP No.10319 of 1996 (P. Roy & Ors. Vs. Haryana Seeds Development Corporation Ltd. & Ors.) decided on 10.01.1997, whereby the petition was dismissed. He submitted that in view of the aforesaid position where the parity could not be established, the petitioners are not entitled for the grant of special pay.

4. I have heard learned counsel for the respondents.

5. A perusal of the order (Annexure P-8) would show that the Board of Directors of HAFED had approved the grant of special pay, subject to the concurrence by the Finance Department, but later on Haryana Bureau of Enterprises did not concur the same vide Annexure P-12.

6. In view of the above, the present petition is dismissed. However, since neither the petitioners nor their counsel are present, liberty is granted to the petitioners to move an appropriate application for the revival of the present petition, in case, any cause of action survives and if they so desire.

7. Copy of this order be sent to all the petitioners through registered post.

11.03.2024

monika

(JASGURPREET SINGH PURI)
JUDGE

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