

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CWP-6742-1996
Date of Decision: 18.01.2024

Prem Bhushan Mittal ...Petitioner(s)

Versus

State of Haryana and another ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Ms. Suman Jain, Advocate for the petitioner

Mr. Rohit Arya, DAG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *certiorari* setting aside the orders dated 16.01.1995 and 01.01.1996, Annexures P-7 and P-9 respectively; and a writ of *mandamus* directing the respondents to protect the petitioner's pay and allow him basic pay of ₹ 4,325 with effect from 01.05.1992.

2. Learned counsel for the petitioner contends that the petitioner was appointed to the post of Assistant Professor in Electronics in Chhotu Ram State College of Engineering, Murthal (Sonapat), vide letter of appointment dated 07.01.1992. The appointment was in the pay scale of ₹ 3700-5700. His starting salary was ₹ 4,200 per month plus usual allowances. Since at the time the petitioner was working as Assistant Station Engineer, Class I in All India Radio, New Delhi, he requested the government for protection of pay and grant of additional increment that he was getting. Awaiting decision on this request, he joined the post on 01.05.1992 and kept on pursuing the matter for protection of pay. The case was finally rejected vide letter dated 01.01.1996,

wherein the Government expressed its inability to protect his pay. In these circumstances, the instant petition has been filed.

3. Learned counsel contends that the petitioner should have been heard before passing the impugned order rejecting his case for pay fixation.

4. Heard.

5. A perusal of the written statement shows that the petitioner was offered starting salary of ₹4,200 in the pay scale of ₹3700-5700 while appointing him as Assistant Professor in the College. There is no provision in the Civil Service Rules that an employee is to be given pay-protection on the basis of service rendered in the Central Government or any other State Government. This led to rejection of the petitioner’s case. Learned counsel for the petitioner has also not been able to show any rules or instructions to the contrary. Merely because the petitioner made a request for protecting his pay or that he was drawing higher pay prior to joining the post, does not in itself entitle him to pay protection. He willingly accepted the offer of appointment and joined the post as such. Therefore, no exception can be taken to the impugned orders declining protection of pay. Since his representation was duly considered and reasons were assigned before declining the request, there was no necessity of personal hearing, nor was it asked for by him

6. In view thereof, there is no merit in the petition, and it stands dismissed accordingly.

(TRIBHUVAN DAHIYA)
JUDGE

18.01.2024
Payal

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