

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

507

CWP-1460-2004 (O&M)

Date of decision: 03.09.2024

Rati Ram

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Madan Pal, Advocate for the petitioner

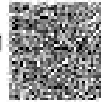
Mr. Tapan Kumar Yadav, DAG, Haryana

AMAN CHAUDHARY, J.

1. The prayer in the present petition is for quashing the order dated 06.11.2003, Annexure P-5 whereby the pay scale of the petitioner, who was initially appointed as Class IV and later promoted to Clerk, was refixed, with a further direction to grant him the pay scale of Rs. 4000-6000/-.

2. As is evident, in accordance with Govt. instructions, 1st Higher Standard Pay/ ACP Scale was to be accrued to the petitioner on completion of 10 years, however, on account of his promotion, he was denied the same, making his pay scale to be Rs. 3050-4590 instead of Rs. 4000-6000/-, which was the same as that of his juniors, who were direct recruits. The petitioner, had filed a writ petition, CWP-8252-2000 along with other employees, which was allowed by this Court on 05.07.2002 in terms of the decision of **Man Singh and others vs. State of Haryana and others¹**, where similar prayer made was granted to the petitioners therein, which reads thus:

“We have heard the learned counsel for the petitioners. We are of the opinion that the matter is covered in favour of



the petitioners by three Division Bench judgments of this Court in Suraj Bhan and others v. State of Haryana, 2001(1) RSJ 205, Jagmal Singh and others v. State of Haryana, 2002(2) RSJ 401 and Kishan Chand Bhardwaj v. State of Haryana, 2002 (1) SCT 599. The judgment of the Division Bench in Suraj Bhan's case (supra) was challenged by the State of Haryana by way of SLP No. 10740 of 2001 in the Supreme Court and that too was dismissed in limine on 16.7.2001. We, therefore, allow the writ petition in terms of the judgments aforementioned.”

3. However, despite the order of this Court, the pay scale of the petitioner was again refixed from Rs. 4000-6000/- to Rs. 3050-4590/- and the excess amount was made recoverable, vide the impugned order.

4. The aforesaid judgment in the previous writ was appealed against by State of Haryana, which was disposed of on 13.10.2006 in terms of **Commissioner and Secretary to Govt. of Haryana and others vs. Ram Sarup Ganda and others**², which was decided in a batch of appeals, including CA-3262-2006 filed in the case of **Man Singh** (supra), the relevant paras of Ram Sarup Ganda (supra) read thus:-

“18. By the impugned judgment, the High Court has held that the respondents are entitled to get the ACP scales that are applicable to “C” post, but the Rules, as such, do not provide for that. The Rules say that if there are already two upgradation, then the concerned employees are not entitled to the benefit of ACP scales. Nevertheless, if ACP scales are higher, they are certainly entitled to the ACP scales at the starting point. The date of giving such ACP scales is the date of entry into the service and though these respondents are entitled to get ACP scales and get fixation of the ACP scales as applicable to Group “D” employees and in case there are anomalies to the effect that they receive lesser pay than their juniors working in the same cadre/post, such senior Government servants are entitled to step up of their salary to get it on par with the salary which is being received by their juniors.

19. In the result, all the appeals are partly allowed. The appellants shall revise the pay scales of the respondents. In case of any anomaly, if the employees who, on fixation of ACP scales, are in receipt of lesser salary than their



juniors in the same cadre/post, then their salary stepped up accordingly. Revised orders shall be passed within a period of two months of the receipt of the copy of this order by the Government. However, if upon revision of the pay-scales, any employee is liable to refund any amount, the Government shall not insist on refund of such amount. If any employee is entitled to get any amount by way of pay revision, the said amount shall be made available to him within a period of six months from the date of receipt of the copy of this order by the Government.

20. Consequently, the Appeals are partly allowed with no order as to costs.”

5. Learned State counsel despite his best efforts has been unable to controvert the submissions made and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law.

6. The present petition is disposed of in terms of the judgment passed in **Ram Sarup Ganda and others** (supra).

(AMAN CHAUDHARY)
JUDGE

03.09.2024
Hemant

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