

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

448

CWP-4515-2001 (O&M)
Decided on :05.04.2024

MOTI LAL AND OTHERS . .petitioner
Versus

STATE OF HARYANA AND OTHERS
. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Bhag Singh, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

In the present petition, the prayer of the petitioner is for the grant of pay-scale of Rs. 1200-2040/- Old (Rs. 4000-6000 New) instead of Pay-scale of Rs. 750-940 Old (Rs. 2550-3200 New) as being given to one of the colleague, namely, Jai Singh.

In reply, the respondents-State has stated that Jai Singh was wrongly given the said benefit of pay-scale of Rs. 1200-2040/- Old (Rs. 4000-6000 New) and that too by the executive engineer and show cause notice has already been given to the said employee so as to withdraw the said benefit.

Further, the regularization was also being claimed by the petitioner on the basis of benefit extended to Jai Singh qua which it has been mentioned by the respondents in the reply that as per the show cause notice, the said benefit has also been propose to be withdrawn from Jai Singh as the same benefit was wrongly extended to him.

Learned counsel for the petitioner argues that once, the benefit has been extended to an another employee, the petitioner being similarly

situated is also entitled for the same benefit.

I have heard learned counsel for the petitioner in this petition and have gone through the record with their able assistance.

The claim being raised by the petitioner is only on the basis of the benefit of pay-scale and date of regularization of service as given to Jai Singh who was working in the same department. The respondents are on record to say that the said benefit was wrongly given to Jai Singh and show cause notice has already been given to Jai Singh for withdrawal of the same as, the said benefit was wrongly extended to Jai Singh. Once, the respondents have stated that the benefits extended to Jai Singh has already been proposed to be withdrawn and the same was not given in accordance with rules and regulations, hence, the petitioner could not be granted the said benefit.

On the ground of discrimination, it may be mentioned that there is no concept of negative discrimination. In case, any benefit has been extended to an employee, who was not eligible for the said benefit, then another employee cannot claim the same benefit on the ground of discrimination so as to perpetuate the illegality.

Keeping in view the facts and circumstances of the present case recorded herein above, no ground is made out for any interference by this Court in the present petition, hence, the same stands **dismissed**.

Pending miscellaneous application, if any, shall also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

05.04.2024

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No