



**CWP-17903-2003 (O&M) and
CWP-519-2004**

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

480

**CWP-17903-2003 (O&M)
Date of decision:09.09.2024**

Manohar Lal

.... Petitioner

Versus

State of Haryana and Others

... Respondents

CWP-519-2004

Devinder Kumar and Others

.... Petitioners

Versus

State of Haryana and Others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- None for the petitioner(s) (in both the cases).

Mr. Tapan Kumar, DAG, Haryana

Mr. Jagdish Manchanda, Advocate,
for respondent No.14 (in CWP-519 of 2004).

Mr. Rajesh Lamba, Advocate,
for respondent No.15 (in CWP-519 of 2004).

AMAN CHAUDHARY. J. (ORAL)

1. Prayer made in the present petition was for quashing of order dated 05.11.2002, Annexure P-6 and further directing the respondents to allow grade and salary in the scale and the stage as mentioned in the last pay certificate issued



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of the Government, Annexures P-3 and P-4 respectively.

2. Learned counsel submits that the petitioners were working as Octroi Clerk in the Municipal Committee, Shahabad Markanda, District Kurukshetra having been declared surplus were absorbed as Gram Sachiv in the office of Block Development and Panchayat Officer, upon which their pay was protected in the pay scale of Rs.3050-75-3950 EB-80-4590. In the index of the petition, a reference had been made to CWP-10872 of 2003, titled **Naresh Kumar and others vs. State of Haryana and others**, as similar case, which stands disposed of on 18.04.2009, which reads thus:

“This order shall dispose of CWP No.19479 of 2003 (O&M) and CWP No.10872 of 2003 (O&M) as common questions of law and facts are involved therein.

The facts are being taken from CWP No.19479 of 2003 (O&M). Initially the petitioners were appointed as Octroi Clerks in various Municipalities of Haryana but on the abolition of the said post they were absorbed in Panchayat Department as Gram Sachiv (Panchayat Secretary). This writ petition has been filed by them for the grant of 1st and 2nd ACP scale which as per them has not been granted.

Learned counsel for the respondents is not in a position to deny that the same question was decided by Hon’ble the Supreme Court in Civil Appeal Nos.4446, 4447 and 4448 of 2008 on 15.07.2008 which was subsequently followed by Division Bench of this Court in CWP No.15715 of 2008 decided on 27.11.2008.

This writ petition is accordingly allowed and the respondents are directed to count the period of service of the petitioners during their earlier appointments for the purpose of granting of 1st and 2nd ACP Scale.”



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controvert the submissions made on behalf of the petitioners and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.

4. In wake of the above, both the petitions are disposed of in terms of the judgment passed in **Naresh Kumar and Others** (supra).

5. A copy of this order be placed on the other connected case file.

**(AMAN CHAUDHARY)
JUDGE**

09.09.2024

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