

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112) LPA-797-2024 (O&M)
Decided on : 21.03.2024

Commissioner & Secretary to Government of Haryana Education Department
others

.....Appellant(s)

Versus

Sat Parkash Arora & others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI

Present: Mr.Deepak Balyan, Addl.A.G., Haryana for the appellant (s).

G.S. Sandhawalia, Acting Chief Justice (Oral)

CM-1955-LPA-2024

1. Allowed as prayed for.
2. CM stands disposed of.

CM-1956-LPA-2024

3. Application has been filed for condoning the delay of 330 days in filing the appeal which is supported by affidavit of the official.
4. Keeping in view the averments made in the application and the fact that opinion had also been taken from the office of Advocate General, Haryana, sufficient cause has been demonstrated for allowing the present application and condoning the delay of 330 days in filing the appeal which is hereby condoned.
5. CM stands disposed of.

6. Consideration in the present appeal is to the judgment passed by the Learned Single Judge in CWP-2958-2017 on 15.03.2023 whereby the Learned Single Judge directed the State to take all corrective measures to provide the corresponding revised pay-scale to the writ petitioners w.e.f. 01.01.2006 for the purpose of re-fixation of pension within a period of 3 months from the date of receipt of certified copy of the order. The entitlement of interest @ 6% per annum on the arrears of revised pension from the date of its accrual till final realization of the same.

7. Mr.Balyan submits that the financial effect has already been given but the State is aggrieved against the costs of Rs.5 lakhs which had also been imposed on account of harassment meted out to the writ petitioners for 16 years.

8. The reasoning given in the appeal is regarding the fact that Learned Single Judge has granted the financial benefits which was apparently within the domain of the State Government and the recommendations made by the employer or any pay anomaly committee are not ipso facto binding. It has further been averred that only a decision can be given to the Government for consideration to the authorities to implement such recommendations. The said plea which has been hard pressed was not the stand taken before the Learned Single Judge, is only a justification to wriggle out of the costs of Rs.5 lakhs, which in the peculiar facts and circumstances, is very much justified.

9. The relief which was claimed before the Learned Single Judge was for revision of pension as per the office memorandum dated 06.02.2015 (Annexure P-6) which had been issued by the Government of Haryana, Finance Department and pension had been revised w.e.f. 01.01.2006.

10. The grouse of the writ petitioners was that there was no corresponding revision of the pay-scales of Rs.12000-18300/- whereas for all other scales, revision had been done. Learned Single Judge noticed that the pay-scale at Sr.No.24 which was of Rs.12000-375-16500/- as on 01.01.1996 had been revised to Rs.15600-39100/- along with other configurations whereas there was no mention of the pay-scales of the writ petitioners in the said scale of Rs.14000-18300/- and therefore, the hardship had occurred.

11. The stand of the University in their written statement was very clear that the discrepancy was of the State which would be clear from the pleadings made in para Nos.10 & 11 of the written statement that the said revised pay-scales was not mentioned in the letter dated 06.02.2015 issued by the State Government of the pre 2006 retirees. The writ petitioner is stated to have retired on 31.08.2005 from the post of Deputy Registrar and in the absence of any clarification received from the State Government it had been mentioned that reply had also been given to the legal notice and the University had sought clarification from the State Government.

12. The stand of the State, on the other hand, did not clarify this aspect. Rather it has been averred that the University had not fixed the pay-scales by not revising the pay-scales of the writ petitioners in the UGC pay-scales during their service tenure. The Learned Single Judge on 14.07.2022 had also noticed that the earlier Coordinate Bench had passed a specific order giving one last opportunity as to why no decision had been taken despite various communications made. The said order has also been reproduced by the Learned Single Judge in para no.5 of the judgment. Despite last opportunity having been given, the matter had been adjourned to 24.08.2022 but thereafter also, no action had been taken for over a period of 9 months

which lead to passing of the order dated 15.03.2023 issuing directions to the State. In such circumstances, the Learned Single Judge came to the conclusion that the retiree was being harassed for a period of 16 years and thus, levied exemplary costs.

13. Resultantly, we are of the considered opinion that it was the bounden duty of the State to provide the benefit of revised pay-scales the employee was drawing and no tangible reason has been given to deny him the same. Now, in appeal, to say that there was an anomaly and the matter should have been referred to the Pay Committee cannot be held to be a very fair stand. The Learned Single Judge had given an opportunity to the State to rectify the error which had apparently occurred while preparing the revised pay-scale table but it chose not to take any action, forcing the hands of the Learned Single Judge to grant exemplary costs. In such circumstances, we do not find any ground to interfere in the judgment passed by the Learned Single Judge as the pensionary benefits have been deprived to the pensioner for a unreasonably long period.

14. Resultantly, in view of the above, discussion, finding no merit in the present appeal, the same is hereby dismissed in limine. All pending application(s) also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

21.03.2024
Sailesh

Whether speaking/reasoned :	Yes	
Whether Reportable :		No