



CWP-13217-2002 (O&M)

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

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CWP-13217-2002 (O&M)

Date of decision: 29.08.2024

Harjinder Singh

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Jasbir Singh, Advocate for
Mr. J.S. Maanipur, Advocate for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

AMAN CHAUDHARY, J.

1. The prayer in the present petition is for quashing order dated 03.12.2001 and letter dated 18.06.2002, whereby benefit of pay fixation has been withdrawn and recovery of surplus amount ordered with a further direction to grant the pay scale of Rs. 1200-2040/- w.e.f. 01.01.1986 with consequential benefits.

2. The petitioner was appointed as a Skilled Worker (Class-III employee) on a daily wage basis on 20.06.1978. His services were regularized w.e.f. 01.11.1986 in the scale of Rs. 950-1500/-. Since as per the Govt. notification dated 26.07.1991, effective from 01.05.1990, those possessing the required ITI certificate were entitled to the modified pay scale of Rs. 1200-2040/-, which the petitioner was granted w.e.f. 01.05.1990. Thereafter, in accordance with the Haryana Civil Services (ACP) Rules, 1998, his pay was revised to the scale of Rs. 5000-7850/- which was subsequently refixed to that of Rs. 4000-6000/-, taking into consideration the functional pay scale as Rs. 950-1500/- (Pre-Modified). The



excess payment was to be recoverable through the impugned order and letter, which was stayed by this Court vide interim order dated 21.08.2002.

3. The issue of grant of the benefit of revised pay w.e.f. 01.01.1986 instead of 01.01.1996, has already been decided by the Division Bench in **Jai Parkash, Pump Operator vs. State of Haryana through Secretary, Local Bodies, Haryana, Chandigarh¹**, to which there was no challenge made and thus, the same attained finality, the relevant paras whereof read thus:

“ The petitioners were appointed on various dates mentioned in Annexure P1 as pump Operators/ Electricians in the pay-scale of Rs.400-600 which was subsequently revised to Rs.480-760. The pay-scale was again revised from Rs.480-760 to Rs.950-1500. Aggrieved by the inadequate pay scale the petitioners moved the authorities claiming the pay scale of Rs. 1200-2040 instead of Rs. 950-1500 as has been granted to them. The State of Haryana recognized the matter and revised pay scale of Rs. 1200-2040 instead of Rs. 950-1500 as has been granted to them. The State of Haryana recognized the matter and revised the pay scale of the petitioners' category from Rs. 950-1500 to Rs. 1200-2040 with effect from May 1, 1990.

The case of the petitioners now is that the petitioners' claim to the revised pay-scale of Rs.1200-2040 had been accepted by the State Government and having done so, it should have been granted with effect from January 1,1986 which was the date from which the revised pay-scales had been granted to all the other categories of employees of the State of Haryana.

xxx xxx xxx

We have considered the arguments advanced by the counsel for the petitioners and find merit therein. In Annexure P6 which is a Division Bench judgment of this Court, a similar argument advanced by the State Counsel had been repelled by the Division Bench by saying that there was no justification as to why the revised pay-scale should not be granted from January 1, 1986. It is true that most of the petitioners in the case before us were not in service on that date. We, therefore, direct that the revised pay-scale would be granted to those petitioners who were not in service on that date, with effect from the date of their appointments, but to those who were, with effect from January 1, 1986. We also direct that as there appears to be some laches on part of the petitioners in approaching the Court, the payment of arrears of pay would be confined to only three



years from today.
The Writ Petition is allowed to the extent, indicated above. The arrears be paid within six months from today.”

4. Learned State counsel, despite his best efforts is unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.
5. In view of the above, the present petition is allowed. The order and letter dated 03.12.2001 and 18.06.2002 are set aside.

(AMAN CHAUDHARY)
JUDGE

29.08.2024
Hemant

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