



CWP-8583-2003 (O&M)
CWP-8704-2003 (O&M)

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

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CWP-8583-2003 (O&M)
Date of decision: 31.08.2024

Subhash Gupta and others

...Petitioners

Versus

State of Haryana and others

...Respondents

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CWP-8704-2003 (O&M)

Hans Raj and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Madan Pal Advocate, for the petitioners.

Mr. Dushyant Saharan, AAG, Haryana.

AMAN CHAUDHARY, J. (Oral)

1. As is evident, the petitioners were initially appointed as Clerks and later promoted to Accountants. In accordance with Govt. instructions, 1st and 2nd Higher Standard Pay/ ACP Scales were granted to them on completion of 10 and 20 years respectively, making their pay scale from Rs.1400-2600/- (pre-revised) to Rs. 1640-2900/- (revised). Thereafter, while increasing the pay scales w.e.f. 01.01.1996, the respondents fixed that of the petitioners as Rs. 5000-7850/-, which was based on the pre-revised scale and thereby taking away the benefit of ACPs accrued to them on account of their promotion. The claim has thus been made to fix their salary as per the revised



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pay scale, i.e. Rs.5500-9000/-. Reliance in the index of the present petition was placed on decisions of this Court in **Devinder Singh Rawat and others vs. State of Haryana and others¹**, and **Narinder and others vs. State of Haryana and others²**, where identical 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.”

2. The aforesaid when taken up by the State of Haryana in Civil Appeal No. 3251/2006, was partly allowed on 02.08.2006, the relevant paras whereof read thus:-

“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.

In the result, all the appeals are partly allowed. The

¹ CWP-13289-2002, decided on 14.11.2002

² CWP-1365-2003, decided on 28.01.2003



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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.

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

- 3. Learned State counsel despite his best efforts has been unable to 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, the present petitions are disposed of in terms of the judgment passed in **Civil Appeal No. 3251/2006** (supra).
- 5. Copy of the judgment be placed on the file of the connected case.

(AMAN CHAUDHARY)
JUDGE

31.08.2024
Hemant

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