



**CWP-18220-1998 (O&M)**

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

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**CWP-18220-1998 (O&M)  
Date of Decision: 08.05.2024**

Jai Pal Singh Hooda and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. R.K. Malik, Senior Advocate assisted by  
Mr. Sandeep Dhull, Advocate for the petitioner.

Mr. Gaurav Jindal, Addl. AG, Haryana.

None for respondent No.3.

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**JASGURPREET SINGH PURI, J. (ORAL)**

1. The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 31.07.1998 (Annexure P-7) to the extent that anomaly has not been removed w.e.f. 01.04.1995.

2. On the last date of hearing, the learned counsel for respondent No.3-Bank had appeared and stated that he has been engaged to address arguments and prayed for some time to address arguments and the matter was adjourned for today.

3. Today, nobody has caused appearance on behalf of respondent No.3.

4. The present petition is of the year 1998 and therefore, this Court deems it fit and proper to proceed with the case even in the absence of the learned counsel for respondent No.3-Bank. Even otherwise also, the

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impugned order dated 31.07.1998 (Annexure P-7) has been passed by the Registrar Cooperative Societies, Haryana who is being represented by Mr. Gaurav Jindal, learned Additional Advocate General, Haryana.

5. Mr. R.K. Malik, learned Senior Counsel appearing on behalf of the petitioners submitted that the precise grievance in the present case is that the petitioners were earlier working as a Clerk and after completion of 20 years of service, they were to be given a higher pay-scale of Junior Accountant and a policy decision was taken in this regard by the State of Haryana vide Annexure P-2 wherein the employees having the scale of Rs.1400-2600/- are entitled for the scale of Rs.1640-2900/- on completion of 10 years of service and further entitled for the scale of Rs.2000-3200/- on completion of 20 years of service and this change of scale had to take place w.e.f. 01.04.1995 and rather the respondent-Bank i.e. The Rohtak Central Co-operative Bank Ltd. had also taken a decision by way of a Resolution vide Annexure P-3 and it was decided to adopt the scheme of standard pay-scale as per Government pattern and in this way, respondent No.3-Bank had already decided to adopt the General Policy of the Government Scheme.

6. Learned Senior Counsel further submitted that there were some employees i.e. Junior Accountants of one another Cooperative Societies Bank, namely, Sonipat Central Co-operative Bank Ltd., Sonipat, who had earlier filed a writ petition which was decided vide Annexure P-4 on the ground of removal of anomaly because they being Junior Accountants were granted less pay-scale as compared to the other Clerks, who were after 20 years of service granted higher pay-scale and the aforesaid anomaly was removed by the aforesaid decision. He submitted that so far as the present

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case is concerned, it is pertaining to the Rohtak Central Co-operative Bank Ltd. and earlier they had filed a writ petition before this Court and a direction was issued vide Annexure P-6 to decide the claim of the petitioners in accordance with law and in pursuance thereof the impugned order vide Annexure P-7 has been passed. He further submitted that the aforesaid impugned order has been passed by the Registrar Cooperative Societies, Haryana on the premise that there was no anomaly in the present Bank but there was only one person, namely, Bijender Singh, who was on a higher pay-scale and therefore, the petitioners who were otherwise entitled for grant of higher pay-scale on the strength of their completion of 20 years of service, they were also granted the higher pay-scale not because of the aforesaid Policy w.e.f. 01.04.1994, but because of the removal of the anomaly on the basis of discrepancy with regard to one employee, namely, Bijender Singh and in this way although the Registrar Cooperative Societies, Haryana had granted the higher pay-scale of Rs.2000-3200/-, but it was granted w.e.f. 01.05.1996 with the purpose of removing anomaly. He further submitted that in fact it was not a case of removal of anomaly, but it was a case of implementation of the decision of the Government and as per Annexure P-3, respondent No.3-Bank had already adopted by way of a Resolution of the standard scale at the Government pattern and therefore, the petitioners were entitled for the aforesaid pay-scale of Rs.2000-3200/- on the strength of Annexure P-3, which had to effect w.e.f. 01.04.1995 and therefore, to that extent the impugned order is liable to be set aside.

7. On the other hand, Mr. Gaurav Jindal, Addl. A.G., Haryana submitted that the learned Registrar Cooperative Societies has passed the

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aforesaid order in compliance with the orders passed by this Court and has removed the anomaly.

8. I have heard the learned counsels for the parties.

9. The only issue involved in the present case is as to whether the petitioners, who were earlier working as Clerk and were promoted to the post of Junior Accountants, were entitled for the pay-scale from Rs.1400-2600/- to Rs.2000-3200/- in accordance with the decision of the Government vide Annexure P-2 and also in consonance with the decision of the Rohtak Central Co-operative Bank Ltd. vide Annexure P-3. Respondent No.3-Rohtak Central Co-operative Bank Ltd. is a Cooperative Society and under the Co-operative Societies Act, the Chief Executive Authority vest in the Board of Directors and once a conscious decision has been taken by the Board of Directors, then in that situation it is binding upon the Bank. As per Annexure P-3, it has been so decided by the Board of Directors that they adopt the Scheme of standard pay-scale as per Government pattern. The relevant portion of the same is reproduced as under:-

**“THE ROHTAK CENTRAL COOPERATIVE BANK  
LIMITED, ROHTAK.**

Copy of resolution no. 18 passed by the Board of Directors in its meeting held on 2.2.1995 at 11.00 a.m. in the premises of the Rohtak Central Cooperative the petitioners. Bank Ltd., Delhi Road, Rohtak.

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Item No. \_\_\_\_\_ Decision

To consider to grante standard scale to the employees of the Bank on completion of 10<sup>th</sup> and 20<sup>th</sup> year as per Haryana Govt. pattern.

Considered and adopted the scheme of standard scale as per government pattern.

Sd/- Chairman”

10. Vide Annexure P-2, a letter was written by the Financial

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Commissioner & Secretary to Government of Haryana, Finance Department addressed to all the Heads of Departments and others with regard to the modification of higher standard pay-scale and it was decided that the pay-scale of Rs.1400-2600/- is to be modified on a higher pay-scale i.e. Rs.2000-3200/- w.e.f. 01.04.1995. In this way, the present dispute was not pertaining to the removal of anomaly but with regard to the implementation of aforesaid Annexures P-2 & P-3 w.e.f. 01.04.1995. Although the Registrar Co-operative Societies vide Annexure P-7 has now granted the pay-scale of Rs.2000-3200/- but w.e.f. 01.05.1996 which ought to have been done w.e.f. 01.04.1995.

11. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned order dated 31.07.1998 to the extent of the date is set aside. It is directed that the petitioner shall be entitled for the revision of the pay-scale w.e.f. 01.04.1995 instead of 01.05.1996. Respondent No.3-Bank is directed to calculate the arrears of salary of the petitioner and pay to them. However, the arrears shall be restricted to 38 months preceding to the filing of the present writ petition. The aforesaid payments of arrears shall be paid to the petitioners within a period of four months from today along with interest @6% per annum (simple).

**08.05.2024***Bhumika***(JASGURPREET SINGH PURI)****JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable:        | Yes/No |