



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-23239-2022
Date of decision : 20.11.2024

Abhey Ram Chaihal and othersPetitioners

V/S

State of Haryana and othersRespondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Amtiaz Sandhu, Advocate for
Mr. Karan Bhardwaj, Advocate for the petitioners.

Mr. Ravi Dutt Sharma, D.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. The petitioners have filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ of certiorari, quashing the action of respondents denying the revised pay scale of Rs.13500-17250/- to the petitioners solely on the ground that they are not party in any of the writ petitions, whereby the said pay scale has been granted to identically situated petitioners. Further, seeking a writ of mandamus, directing the respondents to allow the pay scale of Rs.13500-17250/- to the petitioners w.e.f. 01.01.1996 as they were granted selection grade of Rs.4100-5300/- w.e.f. 01.05.1991 and thereafter, release the difference between pay/pension due and drawn along with interest @ 18% per annum.

2. Short reply by way of an affidavit of Rakesh Chauhan, Engineer-in-Chief, Irrigation and Water Resources Department,



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Haryana, Panchkula, has been filed on behalf of respondents No.1 to 3, wherein it has been stated as under :-

“xx xx xx xx xx

3. *That the Finance Department, Haryana vide para-5 (i) of its U.O. dated 07.09.2001 has decided that the Executive Engineers, who were promoted as such on or before 01.05.1989 may be granted selection grade of Rs.4100-5300 in personal measure but the Finance Department did not allow them re-fixation of pay and pension in the pay scale of Rs.13500-17250 w.e.f. 01.01.1996. The Department vide its single file No.280/EIC dated 26.10.2023 has forwarded a proposal to Govt. for re-considering the case of petitioners and other similar situated employees for granting them pay scale of Rs. 13500-17250 w.e.f. 01.01.1996 in view of Govt. U.O. dated 07.09.2001. Now, the Govt. in concurrence with Finance Department vide its memo No.5/26/2022-1IE dated 01.05.2024 has agreed to extend the benefit of pay scale of Rs.13500-17250 to those Executive Engineers, who were promoted as such on or before 01.05.1989. The petitioners being falling under the criteria are now entitled for pay scale of Rs.13500-17250 w.e.f. 01.01.1996.*

4. *That in pursuance to Govt. memo No.5/26/2022-1IE dated 01.05.2024, the department has re-fixed the pay of the petitioners i.e. Sh. A.R. Chaihal, Sh. Chetan Singh, Sh. Anand Prakash Suhag and Sh. Dalbir Singh Jatain in the pay scale of Rs.13500-17250 w.e.f. 01.01.1996 vide order No.3580-84/4EE-1/100/97 dated 21.05.2024, No.3572-76/4EE-1/189/02 dated 21.05.2024, No.3599-03/4EE-1/202/2003 dated 21.05.2024 and No.6237-41/4EE-1/329/2007 dated 06.08.2024 respectively (**Annexure R-1 colly**). An arrear of Rs.39892/- (EPS No.1600329584 dated*



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31.05.2024), Rs.98904/ - (EPS No.1600330622 dated 13.06.2024), Rs.111572/- (EPS No.1600330622 dated 13.06.2024) and Rs.153266/- (EPS No.1600336367 dated 27.08.2024) has also been disbursed to Sh. A.R. Chaihal, Sh. Chetan Singh, Sh. Anand Prakash Suhag and Sh. Dalbir Singh Jatain respectively. On the basis of revision of pay in the pay scale of Rs.13500-17250, the pension cases of the petitioners have also been submitted to PAG (A&E) Haryana, Chandigarh for revision of pension and other dues.

5. That in view of the above mentioned development it transpires that the grievance of the petitioners stands resolved. They have already been granted the pay scale of Rs.13500-17250 w.e.f. 01.01.1996 and arrears of pay. Hence, no cause of action survives to continue with the present writ petition. The demand of the petitioners has already been accepted by the Govt., thus, the present writ petition has become infructuous.”

3. Since the claim of the petitioners, as has been raised in the petition has already been granted, therefore, the instant petition has been rendered infructuous.

4. Disposed of as having become infructuous.

20.11.2024
kothiyal

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No