

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-10780 of 2017  
Reserved on: 25.10.2024  
Pronounced on: 05.11.2024

Aruna Malik  
.....Petitioner

Versus

State of Haryana and others  
.....Respondents

CWP-5972 of 2015

Balwan Singh  
.....Petitioner

Versus

State of Haryana and others  
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Argued by: - Mr. R.K. Malik, Sr. Advocate,  
with Mr. Sandeep Dhull, Advocate,  
for the petitioner in CWP-10780 of 2017.

Mr. Ravinder Malik (Ravi), Advocate,  
for the petitioner in CWP-5972 of 2015.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Deepak Kundu, Advocate,  
for respondent No.3.

NAMIT KUMAR, J.

1. By this common order, afore-mentioned two writ petitions are being disposed of as common questions of law and facts are involved therein. For brevity sake, facts are being taken from CWP-10780 of 2017 – Aruna Malik v. State of Haryana and others.
2. Petitioner has filed the instant petition under Article 226 of the Constitution of India seeking quashing of the order dated



26.05.2016 (Annexure P-8) conveyed to the petitioner on 24.04.2017 and for issuance of writ in the nature of *mandamus* to grant pay scale of Rs.9300-34800+grade pay of Rs.5400/- w.e.f. 19.12.2012 along with arrears and interest thereupon.

3. Brief facts, as have been pleaded in the petition, are that the petitioner had joined the BPS Mahila Polytechnic, Khanpur Kalan, as PTI-cum-Hostel Superintendent on 21.01.1993 in the pay scale of Rs.2000-3200, which was reduced to Rs.1600-2660 in the month of April, 1993 and the Principal of the said Polytechnic wrote a letter dated 04.06.1993 to the President of the Polytechnic that PTI-cum-Hostel Superintendents are entitled for the pay scale which is admissible to the PTI-cum-Hostel Superintendents working in Government Polytechnic for Women, Ambala. Petitioner filed a civil suit on 30.06.1993 and when the suit was pending, even the Government of Haryana revised the pay scale of PTI-cum-Hostel Superintendent in Government Polytechnic for Women, Ambala from Rs.1600-2660 to 2000-3500 vide order dated 27.12.1993. It has come on record that petitioner is entitled for pay scale of Rs.2000-3200 and when the petitioner was appointed, the pay scale was typed as 'Rs.2000-3500' wrongly and it was corrected to Rs.2000-3200. Consequently, the said suit was decreed and the respondents were restrained from lowering down the pay scale of Rs.2000-3200 to Rs.1600-2660, vide judgment and decree dated 21.04.1994. It has further been averred that pay scales were revised w.e.f. 01.01.1996 and the petitioner was granted scale of Rs.6500-10500 which was given to



the PTI-cum-Hostel Superintendent, Government Polytechnic for Women, Ambala and thereafter the pay scales were revised w.e.f. 01.01.2006 and the petitioner was granted pay scale of Rs.9300-34800+grade pay of Rs.4600, which was granted to the PTI-cum-Hostel Superintendents working in Government Polytechnic for Women, Ambala. Thereafter, PTI-cum-Hostel Superintendent, namely, Ranju Aggarwal, was granted grade pay of Rs.5400 vide order dated 30.07.2013 and the said benefit was not granted to the petitioner. Hence, this writ petition.

4. The matter came up for hearing before this Court on 21.02.2024 and after hearing counsel for the parties, following order was passed: -

*“The case set up by the petitioner in the present writ petition is that right from the date of appointment of the petitioner to the post of PTI-cum-Hostel Superintendent in B.P.S. Mahila Polytechnic, which was Government aided Polytechnic, now University, pay scale of the post of the petitioner remained in the parity with the post of PTI-cum-Hostel Superintendent working in Government Polytechnic for Women, Ambala till 30.07.2013, when the grade pay of Rs.5400/- was granted to Smt. Ranju Aggarwal, who was Hostel Superintendent-cum-PTI in Technical Education Department and the same was not granted to the petitioner.*

*In the written statement filed by respondents No.1 to 3, it has been stated that the said grade pay of Rs.5,400/- has been withdrawn from Smt. Ranju Aggarwal and on the other hand learned Senior counsel for the petitioner submits that the said grade pay of Rs.5,400/- was reduced to Rs.4,600/- on her own request.*



*It is further the case of the respondents that when the grade pay of Rs.5,400/- was granted to Smt. Ranju Aggarwal, the same was as a measure personal to her. Therefore, the petitioner cannot claim parity with her.*

*Let the respondents by filing an additional affidavit shall explain under what circumstances the said grade pay of Rs.5,400/- was granted to Smt. Ranju Aggarwal as a measure personal to her.*

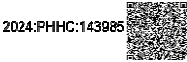
*Adjourned 30.04.2024”*

5. In pursuance to the said order, affidavit of Dr. Sumandeep, Deputy Director, Technical Education Department, Haryana, has been filed wherein it has been stated as under: -

*“2. That Smt. Ranju Aggarwal was appointed on regular basis on the post of Physical Training Instructor-Cum-Hostel Superintendent in Govt. Polytechnic for Women Ambala City on 17.03.1993 in the functional pay scale of Rs.700- 1250 which was subsequently revised to Rs. 1600-2660 w.e.f. 01.01.1986 in the general revision of pay scale. On 01.01.1996, the pay scale of Smt. Ranju Aggarwal was revised in Rs. 6500-10500 and further revised in PB-1 Rs.9300-34800+4200 GP w.e.f. 01.01.2006 in general revisions of pay scales. As per schedule-I, Part-II of ACP Rules, 2008, in functional pay scale of PB-I Rs.9300-34800+4200GP, the ACP slab was as under:-*

- i. 1st ACP:- PB-I-9300-3480+4600 GP*
- ii. 2nd ACP:- PB-I-9300-34800+4800 GP*
- iii. 3 ACP:- PB-I-9300-34800+5400 GP*

*3. That Smt. Ranju Aggarwal, Hostel Superintendent-Cum-PTI submitted a representation to the department that the post of Physical Training Instructor-Cum-Hostel Superintendent held by her involved double responsibilities i.e. the responsibility of PTI as well as that*



*of Hostel Superintendent and further submitted that both the duties are independent and time involving. She requested the department to rationale the pay scale of the said post equivalent to Lecturers in the Grade pay of Rs.5400 i.e. PB-II Rs.9300-34800+5400 GP. The comparison of pay scales of Hostel Superintendent-cum-PTI and Lecturer in Polytechnics under the ambit of Technical Education Department is as under:-*

| As per pay revision | Hostel Superintendent- cum-PTI | Lecturer in Polytechnics   |
|---------------------|--------------------------------|----------------------------|
| 1996                | 6500/- to 10500/-              | 8000/- to 13500/-          |
| 2006                | 9300/- to 34800/-+4200GP       | 9300/- to 34800/-+5400/-GP |

*4. That the Finance Department vide U.O. dated 19.12.2012 (**Annexure R-1**) agreed with the proposal of the department for grant of grade pay of Rs. 5400/- in PB-II Rs.9300-34800 to Smt. Ranju Aggarwal, Hostel Superintendent-Cum- PTI as a personal measure to her. Further, the Finance Department vide U.O. dated 10.01.2014 (**Annexure R-2**) clarified that Smt. Ranju Aggarwal, Hostel Superintendent-Cum-PTI was allowed to GP Rs.5400/- as a personal measure to her w.e.f. 19.12.2012.*

*5. The detail of pay scales and up gradation of Smt. Ranju Aggarwal are as under:-*

| Date       | Functional pay scale of the post | Pay fixed in functional/ ACP pay scale | Remarks                                     |
|------------|----------------------------------|----------------------------------------|---------------------------------------------|
| 17.03.1983 | 700-1250                         | 700/-                                  | New Appointment                             |
| 01.01.1986 | 1600-2660                        | 1850/-                                 | General Revision                            |
| 01.01.1991 | 1600-2660                        | 2150/-                                 | Additional Increment                        |
| 27.12.1993 | 200-3500                         | 2300/-                                 | Modification of pay scale                   |
| 01.01.1996 | 6500-10500                       | 7500/-                                 | General Revision                            |
| 01.01.2006 | 9300-34800+4200                  | 17670+400GP-21870/-                    | General Revision                            |
| 01.01.2006 | 9300-34800+4800                  | 18330+4800GP-23130/-                   | Granted 2nd ACP of 4800 GP w.e.f.01.01.2006 |



6. That the employee got 2nd ACP of Rs. 4800 GP w.e.f. 01.01.2006. On completion of her regular satisfactory service of 30 years, she is entitled for 3rd ACP of Rs. 5400 GP in PB-II w.e.f. 01.04.2013. Meanwhile, her grade pay of functional pay scale has been modified from 4200 to 5400 GP in the same pay band w.e.f. 19.12.2012.

7. That the modified grade pay of Rs. 5400/- granted w.e.f. 19.12.2012 vide Finance Department U.O. No. 2/92/2012-1PR (FD) dated 19.12.2012 as a personal measure is identical to 3rd ACP which was otherwise due from 01.04.2013 after completion of 30 years of her regular satisfactory service. Therefore, the total emoluments as per order dated 19.12.2012 (Annexure R-1) were less than if she had been given 3rd general ACP which was otherwise due from 01.04.2013. Accordingly, Smt. Ranju Aggarwal requested to grant her 3rd ACP grade pay of Rs. 5400/- w.e.f. 01.04.2013 i.e. after completion of 30 years of her regular satisfactory service.

8. That vide U.O. No. 2/4/2018-2PR (FD)/22938 dated 19.06.2019 (**Annexure R-3**), the Finance Department agreed to withdraw the advice vide which the grade of Ranju Aggarwal was modified to 5400/- as a personal measure, subject to the condition to deposit all benefits taken by her. Thereafter, it was advised to consider the case of the incumbent for grant of 3rd ACP w.e.f. 01.04.2013 in terms of Rule 7 (3) of HCS (ACP) Rules, 2008.

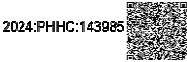
9. That the petitioner has claimed parity of the grade pay of Rs. 5400/- as has been granted to Ranju Aggarwal who was an employee of a Government Polytechnic for Women, Ambala City, as a personal measure. There is no general revision of pay scale/ grade pay for the post of PTI-Cum-Hostel Superintendent. Therefore, the petitioner cannot draw any benefit from the same, nor claim the



*grade pay paid to Ranju Aggarwal. Moreover, the grade pay of Rs.5400/- which was granted to Ranju Aggarwal as personal measure has been withdrawn by State Government vide letter no. 44/33/2018-5TE dated 04.07.2019 (Annexure R-4) with the direction to deposit all benefits taken by her with the concurrence of the Finance Department. Hence, the petitioner cannot be granted pay parity with Ranju Aggarwal relying upon the Finance Department U.O . dated 19.12.2012 and 10.01.2014 as the benefit granted to the incumbent has been withdrawn by the State Government vide order dated 04.07.2019.”*

6. In the abovesaid affidavit, it has mainly been stated that firstly the grade pay of Rs.5400 was granted to Ranju Aggarwal as a personal measure to her and thereafter she made a request that the said benefit may be withdrawn. Consequently, the Finance Department agreed to withdraw her grade pay of Rs.5400, which was granted as a personal measure subject to the condition to deposit all benefits taken by her. Thereafter, it was advised to consider the case of the incumbent for grant of third ACP w.e.f. 01.04.2013 in terms of Rule 7(3) of the HCS (ACP) Rules, 2008. It has further been stated that there is no general revision of pay scales/grade pay for the post of PTI-cum-Hostel Superintendent.

7. In nutshell, the petitioner is claiming grade pay of Rs.5400 at par with Smt. Ranju Aggarwal. Firstly, the said grade pay was granted to her on submission of her representation, which was accepted and she was granted grade pay of Rs.5400 as a measure personal to her, which has been withdrawn and all the benefits granted to her have been



taken back by the respondents, though the grade pay of Rs.5400 has been granted to her w.e.f. 01.04.2013 as third ACP. There is no general revision of pay scales/grade pay for the post of PTI-cum-Hostel Superintendent. Therefore, in this view of the matter, petitioner cannot claim the grade pay of Rs.5400/- on the ground of parity.

8. In view of the above, present petition sans any merit and the same is hereby dismissed.

05.11.2024  
R.S.

(NAMIT KUMAR)  
JUDGE

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