



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

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CWP-17788-2021

Date of decision: 23.09.2024

Balwan Singh

....Petitioner

Versus

State of Haryana and Others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present: Mr. Inder Pal Goyat, Advocate  
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

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**AMAN CHAUDHARY, J. (ORAL)**

1. Prayer made in the present petition is for directing the respondents to remove the anomaly whereby the person junior to the petitioner, who was a direct recruit, namely Krishan Kumar son of Teju Ram, while working on the post of VLDA, was drawing a higher salary.

2. Learned counsel contends that the second ACP has been granted to the aforesaid junior on 31.03.2014, whereby his pay was higher. He, though, being covered by Instructions dated 13.04.2007, Annexure P-5, was not granted the due relief of stepping up. He submits that his case is squarely covered by the judgment of Hon'ble the Supreme Court in **Commissioner and Secretary to Govt. of Haryana and others vs. Ram Sarup Ganda and others**<sup>1</sup>, relevant paras whereof read thus:



“17. If there is any anomaly to the effect that the senior government servants are receiving lesser pay than their juniors, who entered the service from a different source of recruitment, certainly such senior government servants are entitled to stepping up of their pay in order to bring them on par with the salary which is being received by their juniors. There is no clause in the scheme which prohibits such stepping up of salary which is a common practice applicable to all government employees in case there is anomaly in the pay structure of the employees.

18. 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.

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

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

3. Learned State counsel despite her best efforts has been unable to controvert the submissions made and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.



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4. The present petition is disposed of in terms of the judgment passed in **Ram Sarup Ganda and others** (supra).

**(AMAN CHAUDHARY)**  
**JUDGE**

**23.09.2024**  
**Hemant**

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