

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(101)CM-2567-CWP-2024 in  
CM-2572-CWP-2024 in/and  
CWP-654-2015  
Date of Decision : February 22, 2024

Karampal and others.. Petitioners

Versus

State of Haryana and others.. Respondents

(2)CM-2797-CWP-2024 in  
CM-2800-CWP-2024 in/and  
CWP-20383-2015

Ram Rattan.. Petitioner

Versus

State of Haryana and others.. Respondents

(3)CM-2594-CWP-2024 in  
CM-2595-CWP-2024 in/and  
CWP-5199-2015

Neeraj Shukla and others.. Petitioners

Versus

State of Haryana and others.. Respondents

(4)CM-2569-CWP-2024 in  
CM-2571-CWP-2024 in/and  
CWP-6385-2015

Rajbir Singh.. Petitioner

Versus

State of Haryana and others.. Respondents

CM-2567-CWP-2024 in  
CM-2572-CWP-2024 in/and  
CWP-654-2015 & connected cases 2024:PHHC:024742 2

(5) CM-2796-CWP-2024 in  
CM-2798-CWP-2024 in/and  
CWP-8385-2015

Gulshan .. Petitioner

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravinder Malik (Ravi), Advocate, for the petitioners  
in CWP-654-2015, CWP-5199-2015 and CWP-6385-2015.

Mr. Nonish Kumar, Advocate, for the petitioners  
in CWP-20383-2015 and CWP-8385-2015.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-2567-CWP-2024 in CM-2572-CWP-2024  
CM-2594-CWP-2024 in CM-2595-CWP-2024  
CM-2569-CWP-2024 in CM-2571-CWP-2024

Present applications have been filed for condonation of delay of  
09 days in filing the restoration applications.

Keeping in view the averments made in the applications, which  
are duly supported by an affidavit, the applications are allowed and delay of  
09 days in filing the restoration applications is condoned.

CM-2797-CWP-2024 in CM-2800-CWP-2024  
CM-2796-CWP-2024 in CM-2798-CWP-2024

Present applications have been filed for condonation of delay of  
13 days in filing the restoration applications.

Keeping in view the averments made in the applications, which  
are duly supported by an affidavit, the applications are allowed and delay of  
13 days in filing the restoration applications is condoned.

CM-2572-CWP-2024 in CWP-654-2015  
CM-2800-CWP-2024 in CWP-20383-2015  
CM-2595-CWP-2024 in CWP-5199-2015  
CM-2571-CWP-2024 in CWP-6385-2015  
CM-2798-CWP-2024 in CWP-8385-2015

Present applications have been filed for recalling the order dated 05.01.2024, by which, the present writ petitions were dismissed for non-prosecution.

Notice of the application to the counsel opposite.

Mr. Harish Rathee, learned Sr. Deputy Advocate General Haryana, who is present in Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present applications.

Keeping in view the averments made in the applications, which are duly supported by an affidavit, the same are allowed. The order dated 05.01.2024 is recalled and the writ petitions are restored to its original number and status.

**CWP-654-2015 and connected cases**

1. By this common order, five writ petitions, the details of which have been given in the heading, are being disposed of as all these petitions involve the same question of law on similar facts.

2. Learned counsel for the petitioners submits that the petitioners were working on a technical post of Helper in the workshop and while working substantively on the said post, the petitioners were given the charge of the post of Conductor. While working on the post of Conductor, the petitioners raised a claim that the benefit of pay scale as being admissible to the Conductor, they should also be given the said benefit of the post of Conductor in all respects. The said claim of the petitioners was allowed in

their favour in *LPA No.928 of 2013 titled as Sumer Singh and others vs. State of Haryana and others, decided on 07.05.2014.*

3. Learned counsel for the petitioners submits that while implementing the said judgment, the pay scale which the petitioners were getting in the cadre of Helper, has been further reduced to their disadvantage.

4. Learned counsel for the petitioners further submits that the similarly situated class IV employees, who were also working as Helper in the workshop and were also given the benefit of the post of Conductor, their pay scale has been protected, which benefit has not been given to the petitioners and rather, without giving any show cause notice, their pay scale has been reduced.

5. Learned State counsel submits that the petitioners claimed the benefit of the post of Conductor, which is class III post and the Department has only implemented the order passed by this Court in LPA No.928 of 2013 and while implementing the order of a High Court, no show cause notice is required to be given, as the prayer of the petitioners, which was raised before the Division Bench, which was accepted by the Division Bench while passing the order in LPA No.928 of 2013, was being implemented hence, the question of issuance of show cause notice does not arise.

6. Learned State counsel further submits that the petitioners should have been vigilant. Once, they were getting the higher pay scale while working in the cadre of Helper, they should have been vigilant that while working on the class IV post of Helper, they were getting higher pay

scale as compared to the Conductor, they should not have claimed the benefit of class III post. Learned State counsel further submits that in case, anyone who is similarly situated as the petitioners, has been given the benefit of protection of pay of a class IV post even while working on class III post of Conductor and in case any such evidence is brought before the authorities concerned by the petitioners by filing appropriate representation, the same will be examined and appropriate order on the said claim of the petitioners will be passed within a period of eight weeks of the receipt of any such claim and in case, the petitioners are found entitled for any such benefit, the same will be allowed otherwise, due reasons will be given while passing the speaking order on the representation filed by the petitioners.

7. Learned counsel for the petitioners submits that keeping in view the statement of learned State counsel, the present writ petitions may kindly be disposed of having been not pressed any further.

8. Ordered accordingly.

9. A photocopy of this order be placed on the file of other connected cases.

**February 22, 2024**

*harsha*

**(HARSIMRAN SINGH SETHI)**

**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No