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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28094-2018 (O&M)
Date of decision: 01.10.2024

PREM SINGH CHAUHAN

...Petitioner(s)

VERSUS

STATE OF HARYANA AND ORS.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

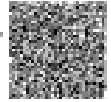
Present:- Ms. Vidushi Kumar, Advocate as Legal Aid Counsel and
Mr. Navneet Singh, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

Mr. R. S. Duggal, Advocate and
Mr. Sandeep Raj Duggal, Advocate
for respondent No.2-Agency along with
Mr. Sanjeev Kumar, Seed Analyst,
Mr. Sukhdev Singh, Accounts Officer,
Mr. Sneh Kumar, Accountant and
Mr. Bani Singh, Technical Assistant.

JASGURPREET SINGH PURI, J. (Oral)

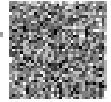
1. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to grant the amount of arrears alongwith interest till date to the petitioner in reference to the decision of this Court in CWP-11498-1995 (Annexure P-1) as he also served as Chief Seed Certification Officer from 14.03.2002 to 08.07.2014 and thereafter, was promoted as Deputy Director on 08.07.2014 and therefore, he is entitled to the revised pay scale of



Rs.3000-4500 with effect from 14.03.2002 along with all consequential benefits.

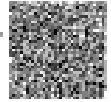
2. While giving the brief facts of the present case, Ms. Vidushi Kumar, learned counsel for the petitioner submitted that the petitioner was appointed as Seed Certification Officer in respondent-Haryana State Seed Certification Agency on 20.10.1982 and was promoted as Deputy Chief Seed Certification Officer on 08.03.1991. Thereafter, the petitioner was promoted as Chief Seed Certification Officer on 14.03.2002 and again he was promoted as Deputy Director on 08.07.2014. The petitioner was also given additional charge of Director on 26.05.2017 and ultimately, he retired on attaining the age of superannuation from the respondent-Agency on 31.12.2017.

3. Learned counsel for the petitioner submitted that while the petitioner was working as Chief Seed Certification Officer, he was entitled for pay scale of Rs.3000-4500. She further submitted that some of the similarly situated persons filed a writ petition before this Court bearing *CWP-11498-1995*, titled as *K. Jasal and others versus State of Haryana and others* and the same was allowed by a Coordinate Bench of this Court on 12.07.2016 vide Annexure P-1 with a direction to the respondents to fix the pay of the petitioners of that case in the pay scale of Rs.3000-4500 with effect from the date they were granted the scale of Rs.1400-2100 i.e. 28.03.1986 along with all consequential benefits. She further submitted that the petitioner although being similarly situated with the aforesaid persons was not the petitioner in the aforesaid case but once the aforesaid writ petition was allowed with regard to the other similarly situated persons, then it was the duty of the respondent-Agency to have put the petitioner at par with them and granted him the same



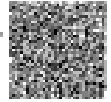
pay scale because the aforesaid judgment has attained finality. She further submitted that so far as the petitioners of aforesaid case are concerned, even after allowing of the aforesaid writ petition on 12.07.2016, the respondent-Agency did not pay them the arrears and did not fix their pay scale and it was thereafter, when a letter was issued by the Principal Secretary to Government of Haryana, Agriculture and Farmers Welfare Department to the Director of the Haryana State Seed Certification Agency, Panchkula on 22.11.2017 (Annexure P-9) with a direction to implement the decision of this Court dated 12.07.2016 (Annexure P-1) that the aforesaid petitioners were granted the benefit along with the arrears. She further submitted that along with the petitioners of aforesaid writ petition, the present petitioner was also entitled for the same benefit being exactly similarly situated and it was duty of the respondent-Agency to have granted the same pay scale to him because no such anomaly could have been created by the respondents but they omitted to do so for the reasons best known to them and in the meantime, the petitioner retired on 31.12.2017. She further submitted that after the retirement of the petitioner, gratuity, leave encashment and other retiral benefits were paid to him but as per the old pay scale and without granting the benefit of aforesaid judgment dated 12.07.2016 (Annexure P-1).

4. Learned counsel for the petitioner also submitted that during the pendency of the present writ petition, respondent-Agency has now rectified its mistake and has granted the aforesaid benefit to the petitioner in two installments i.e. on 31.03.2020 and 19.08.2020 and the aforesaid benefit has now been conferred upon the petitioner despite the fact that he was entitled for the same benefit being at par with other similarly situated persons. She further



submitted that after revising the pay scale of the petitioner, the arrears of salary have now been paid to him in the year 2020 and also the retiral benefits have been revised accordingly and arrears with regard to same have also been paid but the petitioner is entitled for grant of interest as well because at the time of his retirement, the petitioner was granted the retiral benefits on unrevised pay scale which the respondent-Agency ought to have paid along with the aforesaid similarly situated persons, who have been granted the benefit in view of the aforesaid judgment vide Annexure P-1. She referred to a judgment passed by a Division Bench of this Court in **Satbir Singh and another versus State of Haryana and others, 2002 (2) S.C.T. 354** to contend that once a writ petition has been decided with regard to some of the petitioners on a particular point and policy then it is not necessary for the other similarly situated persons to approach the Court and file separate writ petitions as it is the duty of the respondents to rationalize the judgment to all the similar situated persons and in this way, it was not necessary for the petitioner to have filed a separate writ petition in this regard.

5. On the other hand, Mr. R. S. Duggal, learned counsel for respondent No.2-Agency submitted that since the petitioner himself was having an additional charge of Director of the respondent-Agency at the time of his retirement, he could have granted the benefit to himself with regard to the aforesaid pay scale at par with that of petitioners of the aforesaid writ petition (Annexure P-1). He further submitted that the petitioner did not even make any representation to any of the respondents for grant of same pay scale as granted to aforesaid similarly situated persons.

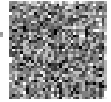


6. So far as the parity of the petitioner with the petitioners of the aforesaid writ petition is concerned, he submitted on instructions that it is not in dispute that the petitioner is exactly at parity and is similarly situated with that of the petitioners of the aforesaid writ petition (Annexure P-1). He further submitted that now all the benefits have been paid to the petitioner in the year 2020 after giving him the same pay scale as given to other similarly situated persons but the petitioner is not entitled for grant of interest.

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

8. The only issue involved in the present case now would be as to whether the petitioner is entitled for grant of interest on the delayed payments or not. When the petitioner retired on 31.12.2017, he was working as Deputy Director but he was holding the additional charge of Director as well. The aforesaid judgment Annexure P-1 was passed by a Coordinate Bench of this Court on 12.07.2016. Therefore, vide Annexure P-9 it is clear that till 22.11.2017, the aforesaid judgment was not implemented by the respondent-Agency even qua the petitioners of the aforesaid writ petition and that is why the Government of Haryana had written a letter to the Director of the Haryana State Seed Certification Agency, Panchkula to implement the aforesaid judgment. Therefore, the argument which has been raised by the learned counsel for respondent No.2-Agency that the petitioner, who was holding the additional charge of Director could have granted the benefit of the aforesaid judgment (Annexure P-1) to himself is not sustainable because he could not have done so after his own retirement.

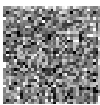
9. Not only this, the petitioner has attached Annexure P-2, which is a representation given by him prior to his retirement and Annexure P-3 and



Annexure P-4, which are also the representations given by the petitioner after his retirement to the Director of the Haryana State Seed Certification Agency, Panchkula to grant him the same benefit as granted to other similarly situated persons vide Annexure P-1 but the same was denied to him. The argument which has been raised by the learned counsel for respondent No.2-Agency with regard to the fact that the petitioner did not make any representation to the respondents is again unsustainable in view of the aforesaid representations given by the petitioner i.e. Annexures P-2 to P-4.

10. It is a settled law that when on a point of law some of the similarly situated persons approach the Court and file writ petition and relief is granted to them then it is not necessary for the other persons, who are exactly at parity to also file their subsequent writ petitions for seeking the same relief. It is rather a duty of the concerned authorities to rationalize the judgment which, if at all, has attained finality. In the present case, it is undisputed that the aforesaid judgment passed by a Coordinate Bench of this Court on 12.07.2016 (Annexure P-1) had attained finality. It is also undisputed that the petitioner was exactly at parity with the petitioners of the aforesaid writ petition (Annexure P-1). Therefore, it was the duty of the respondent-Haryana State Seed Certification Agency to have conferred the same benefit of pay scale especially in order to avoid any anomaly between two employees of the same designation but the same was not done by the respondent-Agency. Ultimately in the year 2020, it appears that the respondent-Agency realized its mistake during the pendency of the present writ petition and it has now granted the benefit of same pay scale to the petitioner as given to other similarly situated persons and has also paid the arrears to him.

When the petitioner retired, his retiral benefits were fixed as per the old pay



scale. Now the respondent-Agency has also revised the retiral/pensionary benefits of the petitioner after grant of new pay scale and arrears of retiral benefits have also been paid to him but the entire exercise has been done in the year 2020 during the pendency of the present writ petition.

11. In view of the aforesaid facts and circumstances of the present case, this Court is of the considered view that the petitioner is entitled for grant of interest on the delayed payments.

12. Consequently, the present writ petition is partly allowed. The respondent-Haryana State Seed Certification Agency is directed to calculate the interest @ 6% per annum (simple) on the delayed payments from the date of his retirement and pay the same to the petitioner, within a period of three months from today. In case the aforesaid amount is not paid to the petitioner within a period of aforesaid three months, then the petitioner shall be entitled for future rate of interest @ 9% per annum (simple).

13. At this stage, Mr. Navneet Singh, learned counsel for the petitioner submitted that the petitioner is not aware of the details of the calculation, of which the payment has been made to him.

14. In view of the above, liberty is granted to the petitioner to move any representation to the respondent-Haryana State Seed Certification Agency in case any cause of action survives only pertaining to the calculations.

01.10.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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