



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

**CWP-7992-2017 (O&M)
Date of Decision:09.09.2024**

Bhim Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Abhilaksh Grover, Advocate for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Raman B. Garg, Advocate for respondent No.3.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of an appropriate writ for directing the respondents to grant 6th Pay Commission pay scales to the petitioner with effect from the date the said pay scales were made applicable to Haryana Government Employees i.e.01.01.2006.

2. Learned counsel appearing on behalf of the petitioner, submitted that the petitioner was an employee of respondent No.3-Society and he has not been granted the benefit of 6th Pay Commission. In this regard, he referred to Annexure P-6 wherein respondent-Society passed a resolution on 17.06.2009 in which it was so decided that the benefit of 6th Pay Commission Scales will be given to the employees w.e.f. 01.06.2009 and the arrears which the Haryana Government has sanctioned w.e.f. 01.01.2006 cannot be given at this stage and further more if the financial position improves in future then the



matter will be re-considered. He submitted that thereafter in the year 2014, the Registrar Cooperative Societies, Haryana, Panchkula, vide Annexure P-7 had issued a letter to all the officers of Cooperative Societies in Haryana State, by stating that the Regular Employees of Cooperative Societies in Haryana State are granted 6th Pay Commission Scales with the approval of the Registrar and it was further provided that the Cooperative Societies which are showing a profit for the last three years continuously shall be given 6th Pay Commission Scales provided the society bears the additional expenditure and the new pay-scales will be effective from 01.01.2009.

3. Learned counsel for the petitioner has referred to a Division Bench judgment of this Court in ***LPA No.1360 of 2009*** titled as ***Ambala Central Cooperative Bank Employees Association (Regd.) versus State of Haryana and others decided on 22.03.2012*** to contend that the financial deficiency itself would not become a ground for the denial of the arrears. He further submitted that at the most as per the aforesaid Division Bench judgment, the interest is not to be granted but no such distinction can be made with regard to the effectiveness of the date of grant of the 6th Pay Commission because it has to be made effective w.e.f. 01.01.2006. He further submitted that even respondent No.3-Society has already mentioned in Annexure P-6 that in case the financial position of the respondent-Society improves, then the matter will be reconsidered but there is nothing on record to show as to whether financial position of respondent-Society has improved or not but in any case the Registrar Cooperative Societies, Haryana, was required to take an action in the light of the aforesaid Division Bench judgment of this Court in ***Ambala Central Cooperative Bank Employees Association's case (supra)***.



4. Learned counsel appearing on behalf of respondent No.3-Society stated that respondent No.3-Society has no say in granting of the revised pay scale despite the fact that the resolution (Annexure P-6) was passed by them. He submitted that in pursuance of Section 37 of the Haryana Cooperative Societies Act, 1984, the Registrar Cooperative Societies, Haryana, has the power to take decision with regard to grant of revised pay-scale and from which date the same is to be granted and in this way the entire decision vests with the State of Haryana in the office of Registrar Cooperative Societies and not with the Society.

5. On the other hand, Mr. Kapil Bansal, DAG, Haryana, submitted that in view of the submissions made by learned counsel for the petitioner and learned counsel for respondent No.3-society, the Registrar Cooperative Societies, Haryana, is to take a final decision and pass an appropriate order in the light of the aforesaid Division Bench judgment which has been cited by learned counsel for the petitioner.

6. After hearing learned counsel for the parties, the present petition is disposed of with a direction to Registrar Cooperative Societies, Haryana, to consider the aforesaid claim of the petitioner for the grant of benefit of 6th Pay Commission w.e.f. 01.01.2006 especially in the light of aforesaid Division Bench judgment of this Court, within a period of four months from today.

(JASGURPREET SINGH PURI)
JUDGE

09.09.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No