



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

119

LPA-2132-2024 (O&M)

Date of decision: 04.09.2024

STATE OF HARYANA AND ANOTHER

...Appellants

VERSUS

SUDESH MALIK

...Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Hitesh Pandit, Addl. AG, Haryana
for the appellants.

Mr. Sukhdev Raj Kamboj, Advocate
for the respondent.

DEEPAK SIBAL, J.(ORAL)

1. The respondent was initially appointed as a Gram Savika. Such appointment was after following due procedure and on regular basis. In the year 2003, she was adjusted by the State as a Supervisor under the Integrated Child Development Services Scheme (for short – ICDS). This adjustment was after receipt of concurrence from the Haryana Staff Selection Board. Thereafter, the respondent served as a Supervisor but as per the terms of her adjustment, she was paid emoluments which are applicable to the post of Gram Savika. Through CWP-34246-2019, the respondent petitioned this Court seeking therein the emoluments being paid to Supervisors which petition of hers was disposed of on 02.12.2019 with a direction to the State to consider her claim. As per the direction given by this Court, the State passed an order dated 24.07.2020 rejecting the



respondent's claim on the ground that at the time of her adjustment as Supervisor there was a specific condition in her adjustment order that even after her adjustment as a Supervisor she would be paid emoluments payable to Gram Savikas. Order dated 24.07.2020 was then challenged by the respondent through CWP-18041-2020 which has been allowed on 01.04.2024 by the learned Single Judge. Such judgment of the learned Single Judge is the subject matter of challenge through the instant intra court appeal.

2. Learned counsel for the parties have been heard.

3. It remains undisputed that since the year 2003, the respondent has served as a Supervisor in the department of Women and Child Development, Haryana; her work and conduct has throughout been satisfactory; the post against which she was adjusted in the year 2003 is interchangeable with other Supervisors and that since the year 2013, the respondent also fulfills the qualifications prescribed for the post of Supervisor. These being the admitted facts, the State's action to deny the respondent emoluments which other identically placed Supervisors are being paid, would be arbitrary and unfair. It would also be violative of the principle of equal pay for equal work.

4. In the light of the above facts, we are not inclined to interfere with the impugned judgment insofar as it holds the respondent entitled to be paid the salary being paid to her Supervisor colleagues. However, we find that the cause of action to claim salary applicable to the post of Supervisor accrued to the respondent in the year 2003 and that for the first time she agitated her claim only in the year 2019. Therefore, we modify the impugned judgment and direct that the grant of arrears to her be restricted to



38 months prior to the filing of her writ petition in the year 2019 with a further direction that on these arrears no interest shall be payable.

- 5. The present appeal is disposed of in above terms.
- 6. All pending miscellaneous application(s) also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

September 04, 2024

Nisha Yadav

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No