



212
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-CW-417-2019 in
CWP-25198-2017
Date of decision: 03.09.2024

Ravinder Kumar and others

...Petitioners

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Padamkant Dwivedi, Advocate with
Mr. Naman Jain, Advocate,
for the applicants/respondents No.3 & 4.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

Mr. Dinesh Arora, Advocate,
for the non-applicants/petitioners.

JASGURPREET SINGH PURI, J. (Oral)

1. The present review application has been filed under Order 47 Rule 1 and 2 read with Section 114 of the Code of Civil Procedure for review of the judgment dated 22.08.2019.

2. Mr. Padamkant Dwivedi, learned counsel appearing on behalf of the review applicants submitted that the petitioners/non-applicants were appointed in the year 2012, 2013 and 2014 respectively and regarding the same respective dates have been mentioned in para No.3 of the petition on the posts of Assistant Lecturer-cum-Assistant Instructor and the appointment letters have been attached as Annexure P-1(colly). He submitted that in the aforesaid



appointment letter, the pay scale of Rs.9300-34800 with Grade Pay of Rs. 3300/- was granted and the appointment letters were issued by the Principal of the respondent-Institute. He submitted that thereafter the aforesaid Grade pay of Rs.3300/- was revised to Rs. 3600/- regarding which there is no dispute but the petitioners/non-applicants had filed the present writ petition seeking grant of Grade Pay of Rs. 4200/- on the strength of Staff Regulations of the State Institute of Hotel Management, Tilyar Lake, Rohtak vide Annexure P-5 wherein the Grade Pay has been provided to be Rs. 4200/- for the pay scale of Rs. 9300-34800/,-and because of the aforesaid reason, the present writ petition was allowed. He submitted that in fact the petitioners/non-applicants fell in group 'C' and not in group 'B' and once they fell in group 'C', their Grade Pay could not have been Rs. 4200/- and their Grade Pay was to be Rs. 3300/- which was correctly so stated in the appointment letter which was subsequently revised to Rs. 3600/-. In this regard, he also referred to the fitment table which has been attached alongwith the present review application as Annexure RA-1 wherein the pay scale of Assistant Lecturer-cum-Assistant Instructor was Rs. 5000-8000 and thereafter vide Annexure RA-4 the comparative fitment table as so framed by the Haryana Government in the First Schedule was Rs. 5450-8000 and the corresponding pay scale was revised to Rs. 9300-34800 with a Grade Pay of Rs. 3300/- and in this way, the petitioners were only entitled to the Grade Pay of Rs. 3300/- (subsequently revised as Rs. 3600/-) and, therefore, the judgment is required to be reviewed in this regard. He also submitted that since there was an ambiguity in the Regulations (Annexure P-5) pertaining to the classification/ grouping of Group 'C' and 'D', the same was rectified by way of an amendment made wherein revised/amended Staff Regulations were framed in the year 2019 which have been attached alongwith review application at



page No. 48 whereby it has been so provided that the pay band of Assistant Lecturer-cum-Assistant Instructor shall be Rs. 9300-34800 with a Grade Pay of Rs.3300/- revised to Rs. 3600/-. He submitted that the petitioners/non-applicants are being given the Grade Pay of Rs. 3600/- and now after the aforesaid amendment in the year 2019, it is very clear that the petitioners being in the cadre of Assistant Lecturer-cum-Assistant Instructor are entitled for the aforesaid Grade Pay of Rs. 3600/- and ,therefore, the aforesaid judgment may kindly be reviewed to the extent that from the date of the coming into force of the Regulations (Annexure P-5) till the amendment was effected in the year 2019, the petitioners should also be granted the same Grade Pay of Rs. 3300/- revised to Rs. 3600/- and not Rs. 4200/-.

3. On the other hand, learned counsel for the petitioners/non-applicants has submitted that there is no ground available with the applicants for review of the judgment because there is no error apparent on the face of the record. He submitted that it is not in dispute that the Regulations (Annexure P-5) which were applicable to the petitioners were in operation and were applicable to the petitioners and rather the mistake which was committed in the aforesaid Regulations has now been rectified in the year 2019 wherein the Grade Pay has been mentioned to be Rs. 3300/- revised to Rs. 3600/- and the petitioners/non-applicants are not claiming anything post the aforesaid amendment of 2019 because once an amendment has been effected in the Regulations, then the petitioners are bound by the same but now the only dispute remains with regard to the period i.e. from on the date on which the Regulations (Annexure P-5) came into force till the amendment effected in the year 2019 and that is the only monetary benefit, the petitioners are entitled as it



was because of their own Regulations (Annexure P-5) which have been so relied upon and given effect to in the judgment under review and rather once the respondents themselves have rectified their own mistake, then the entitlement of the petitioners was in accordance with the Regulations (Annexure P-5) till the time when the amendment was effected in the year 2019.

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

5. The writ petition was allowed vide judgment dated 22.08.2019 on the strength of Annexure P-5. It is a case of the applicants/respondents No.3 and 4 that there was an anomaly/mistake in the aforesaid Annexure P-5 wherein proper distribution of Group 'B' and 'C' was not made. However, the aforesaid anomaly/mistake was removed in the year 2019 wherein at page No.48 of the review application the pay band of Assistant Lecturer-cum-Assistant Instructor was Rs. 9300-34800 with a Grade Pay of Rs.3300/- revised to Rs. 3600/-. The only dispute as raised by the learned counsel for the applicants was pertaining to the fixation of the Grade Pay from the coming into force of Annexure P-5 till the year 2019 when it was amended. There is no dispute with regard to the post amendment of 2019. Therefore, it is very clear that as of now and rather after the amendment which was effected in the year 2019, there is no anomaly which is required to be removed. Now the only dispute is with regard to as to whether the petitioners were entitled for the monetary benefit or not. This Court is of the considered view that there is no error apparent on the face of it which is required to be reviewed in view of the aforesaid factual position particularly that the aforesaid Annexure P-5 has rather been amended by the respondents themselves in the year 2019 and anomaly has been removed and

the petitioners who were in pay scale of Rs. 9300-34800 were required to be given the Grade Pay of Rs. 4200/- as per Annexure P-5. The mere fact that at the time of the appointment of the petitioners were stated to be in the Grade Pay of Rs.3300/- and the appointment was made prior to the coming into force of the Regulations (Annexure P-5) would not mean that the petitioners can be deprived of the enforcement of the aforesaid Staff Regulations wherein against the pay scale of Rs. 9300-34800 the Grade Pay has been so prescribed to be Rs. 4200/-. So far as the enforceability and sanctity of the aforesaid Regulations are concerned, the same now cannot be disputed particularly in view of the fact that now even the respondents have on their own amended the aforesaid Staff Regulations and therefore, it cannot be said that the aforesaid Staff Regulation did not have any force of law.

6. Consequently, finding no merit in the present review application, the same is hereby dismissed.

03.09.2024

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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