

206 RA-CW-269-2016 in CWP-20018-2010

RAJINDER KUMAR & ORS
VS
STATE OF HARYANA & ORS

Present: Ms. Tanushree Gupta, DAG, Haryana
for the applicants/respondents.

Mr. Sandeep Kumar Sharma, Advocate for
Mr. G.P. Singh, Advocate
for the non-applicants/petitioners.

The present application has been filed seeking review of the
order dated 03.06.2011, which is as follows:

“For orders see Civil Writ Petition No. 20006 of 2010
titled Mahender Singh and others Vs. State of Haryana and
others”.

2. The main writ petition CWP-20006-2010 was decided by this
Court, along with the instant petition, with the following directions:

In view of what has been noticed above and has been
held by this court in Gurdev Singh's case (supra), all the
petitioners are held entitled to technical pay scale of Rs.1200-
2040 irrespective of the fact whether they are non-matric or
are having ITI as a qualification or not. The experience, as
held in Labh Singh's case (supra) would make them eligible
for grant of technical pay even if they are not ITI
qualification.

Since the Chief Secretary has come on an affidavit
before this Court to give details of all those posts, which are
considered to be technical in nature, the petitioners in various
writ petitions, who are holding such posts, would be entitled
to the technical pay w.e.f.1.5.1990 irrespective of their
qualifications.

3. Learned counsel for the applicant/State contends that in terms

of the directions issued by this Court all the petitioners were held entitled to technical pay-scale of Rs.1200-2040, from the date of initial appointment. The second petitioner/Suresh Chander was engaged on work charge basis on 02.02.1984, and was regularised w.e.f. 01.04.1993. Accordingly, he becomes entitled to grant of technical pay-scale from that date which has already been given to him in compliance of the directions issued by this Court.

4. The other petitioners were regularised with effect from 01.01.1987, and were in service at the time of revision of pay-scale, 01.05.1990. Therefore, it has been given to them in compliance of the directions of the Court with effect from 01.05.1990. The benefit could not be extended to the second respondent-Suresh Chander from the said date in terms of the directions since he was not in regular service on that date, and while working on work charge basis the regular scale of pay was not admissible to him. Due to oversight this fact could not be brought to the notice of the Court at the time of decision of entire batch of cases on 03.06.2011. Resultantly, the order needs to be modified.

5. No reply to the application has been filed, nor is learned counsel for the non-applicant/petitioner in a position to dispute the facts afore-mentioned.

6. Since the third petitioner/Suresh Chander was regularised in service on 01.04.1993 only, he would be entitled for the technical pay-scale with effect from that date and not from any date prior thereto or from 01.05.1990. Consequently, the order, dated 03.06.2011, is modified to the extent that the third petitioner/Suresh Chander will be entitled to the

technical pay-scale of Rs.1200-2040 w.e.f. 01.04.1993.

7. Review application is allowed in the aforesaid terms.

(TRIBHUVAN DAHIYA)
JUDGE

30.04.2024
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