

206/A

2024:PHHC:063108

CM-15709 &15710-2016 in RA-390-2016 in CWP-10074-2010

JAI PARKASH AND ANR VS. STATE OF HARYANA AND ORS

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

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

CM-15709-2016

Allowed as prayed for.

CM-15710-2016

For the reasons mentioned in the application, delay of 2357 days in filing the review application stands condoned.

RA-390-2016

2. The present application has been filed seeking review/modification of the order, dated 26.05.2010, whereby the respondents were directed to release the revised pay-scale of Rs.1200-2040 to the petitioners with the following directions:

These petitions are, accordingly, allowed. Respondents are directed to release the revised pay scale of Rs.1200-2040 to the petitioners who are working on technical posts from the date of revision i.e. 01.05.1990.

In view of the above, the petitioners notwithstanding the fact that they are non-matric are entitled to the pay scale of Rs. 1200-2040 w.e.f. 01.05.1990. However, the petitioners shall be entitled to only notional benefits of the aforesaid pay scale and their salary will be fixed at par with the juniors without any monetary benefits of arrears. The petitioners shall be entitled to the pay revision, if any thereafter. However the arrears shall be restricted to 38 months preceding the filing of the writ petition.

3. Learned counsel for the applicant/State has contended that of the two petitioners, petitioner No. 1 Jai Parkash was regularised in service prior to 01.05.1990. However, the second respondent Kuldeep Singh was regularised on

2024:PHHC:063108

01.04.1993 and was not in service on 01.05.1990, i.e, the date from which he has been held entitled to the revised pay-scale in terms of order dated 26.05.2010. The fact could not be brought to the notice of Court at the time of the passing of the impugned order due to inadvertence. In compliance of the order, however, the revised pay-scale on the technical post has been given to petitioner no.1 with effect from 01.05.1990, and to petitioner no.2/Kuldip Singh from the date of his regularisation in service, i.e., on 01.04.1993.

4. There is no denial to these assertions in the review application, as also the fact that petitioner no.2 was regularised in service with effect from 01.04.1993 vide office order dated 15.11.1995, Annexure R-2.

5. Since petitioner no.2 was not in regular service on 01.05.1990, he could not have been given the revised pay-scale for technical posts. It was on account of inadvertent error that his entitlement could not be held from the date of joining the service, i.e., 01.04.1993. Besides, the revised pay-scale has already been released to him from that date.

6. Accordingly, the order, dated 26.05.2010, is modified to the extent that petitioner no.2/Kuldip Singh will be entitled to the revised pay-scale of Rs.1200-2040 with effect from 01.04.1993.

7. Review application is allowed in the aforesaid terms.

30.04.2024
kv

(TRIBHUVAN DAHIYA)
JUDGE