



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

112

LPA-2399-2024 (O&M)
Date of decision: 25.11.2024

STATE OF HARYANA AND OTHERS

...Appellants

VERSUS

JAI PAL TYAGI

...Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE LAPITA BANERJI

Present: Mr. Hitesh Pandit, Addl. AG, Haryana.

Mr. Ashok Tyagi, Advocate, for the respondent.

DEEPAK SIBAL, J.(ORAL)

1. This instant intra court appeal is directed against the judgment dated 16.04.2024 rendered by a learned Single Judge of this Court accepting the respondent's petition through which he had claimed parity in pay with his junior namely Veena Sharma.
2. First, a few relevant facts.
3. On 15.04.1982, the respondent was appointed as a Clerk in the office of the Deputy Commissioner, Gurugram (for short, DC) and on 08.11.1990, one Veena Sharma was also appointed as a Clerk but in the office of the Commissioner Gurugram Division, Gurugram (for short, Commissioner). In the year 2000, the State merged the offices of the DC



and Commissioner. Resultantly, a joint seniority list of Clerks was framed in which the respondent ranked senior to Veena Sharma. On the basis of his seniority, on 12.07.2004, the respondent was promoted as an Assistant. The said Veena Sharma was also promoted to the same post on 14.07.2008 i.e. over 04 years after the respondent. As soon as it was revealed that Veena Sharma, though junior to the respondent, both as a Clerk and an Assistant, was drawing a higher pay than him, the respondent represented to the State seeking stepping up of his pay to bring it at par with that of Veena Sharma. The State declined his claim against which decision he petitioned this Court which petition of his has been allowed by the learned Single Judge through the judgment impugned before us.

4. After hearing the learned counsel for the parties and examining the record the undisputed facts which have emerged are that after merging of the cadres of the offices of the DC and Commissioner at Gurugram a joint seniority list of Clerks had been finalized as per which, on the basis of his length of service, the respondent ranked senior to one Veena Sharma; on the basis of such seniority, on 12.07.2004, the respondent was promoted as an Assistant; over 04 years later, his junior, namely, Veena Sharma was also promoted on the same post on 14.07.2008 and that since the time of merging of the cadres of the offices of the DC and Commissioner, though Veena Sharma ranked junior to the respondent, she was always in receipt of higher pay than him.

5. In the light of the above undisputed facts, we find no error in the impugned judgment wherein the learned Single Judge has directed the correction of an anomaly by accepting the respondent's claim for stepping up his pay to be at par with his junior as anything to the contrary would be



arbitrary and thus, violative of Articles 14 and 16 of the Indian Constitution and further result in heartburn. However, we direct restricting of the arrears to be paid to the respondent to 03 years and 02 months prior to the filing of the respondent’s petition.

6. All pending miscellaneous application(s) also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(LAPITA BANERJI)
JUDGE

November 25, 2024

Nisha Yadav

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