

**372 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 12118 of 1997 (O&M)

Date of Decision: 20.04.2022

Jai Narain Pilania and others

...Petitioners

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Arun Monga

Present : None for the petitioners.

Mr. Sharan Sethi, Additional Advocate General, Haryana.

Arun Monga, J. (Oral)

1. Petition was filed in the year 1997, *inter alia*, seeking issuance of a writ in the nature of mandamus directing the respondents to revise the pay scale of Zileदार from the date the pay scale of feeder post has been revised and to make pay scale of the Zileदार higher.
2. Petition was admitted on 21.07.1998.
3. When called out for hearing, there is no representation on behalf of the petitioners. It seems that by sheer effluxion of time and pendency of the writ petition for more than 23 years before this Court, either it has been rendered infructuous or even otherwise the petitioners seem to have lost interest in pursuing the same.
4. In any case, it appears that even on merits the writ petition deserves dismissal in view of the following stand taken by the respondents in paras 1 and 2 of the preliminary submission of their written statement dated 31.03.1998, which remained uncontroverted since no replication has been filed:-

“1. That there are two modes of recruitment for the post of Zileदार in Irrigation Deptt. Haryana (I) 50% from departmental posts of Revenue Clerks State Service Class III who have completed not less than three years approved service, are permanent in that service and are recommended by the

Superintending Engineer (2) 50% by direct recruitment. This is a general practice for the recruitment of Zileadar in Irrigation Department, Haryana. Although there is a provision to fill up 10% posts of Zileadar from the Naib Tehsildar and Kanungo of Land Revenue Department recommended by the Financial Commissioner, Punjab yet till today no posts of Zileadar has been filled up from Naib Tehsildar by this mode of recruitment. The promotional avenue of the Zileadar are as under:-

	<u>Name of the post</u>	<u>Pay scale</u>
1. Zileadar	Zileadar	Rs. 1640-2900
	Dy. Collector	Rs. 2000-3500

It reveals from the above explained position that the promotional post of Zileadar is Dy. Collector in the pay scale of Rs. 2000-3500. Thus in the present writ petition, the petitioner are claiming the promotional pay scale for which they are not entitled.

2. That the pay scales of Zileadar were never remained equal to the pay scale of Naib Tehsildar. The post of Naib Tehsildar is a Gazetted post having post of Executive/ judicial Magistrate whereas Zileadar is a class-III post. Thus, there is no comparison between two posts and as such there is no post of Naib Tehsildar in the Irrigation Department Haryana. It is wrong to say that Naib Tehsildar is a Feeder post of Zileadar.”

5. Be that as it may, writ petition is disposed of with liberty to the petitioners to file an appropriate application in case any cause of action still survives.

20.04.2022

vs

**(Arun Monga)
Judge**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No