



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 01.04.2025

CWP-7816-1999 (O&M)

Sh. Samrath Kumar and others

....Petitioners

VS.

The Haryana State Cooperative Supply and Marketing Federation
Limited and others

....Respondents

Sr. No.	Case No.	Parties name
2.	CWP-7817-1999	Sh. Satpal Gupta vs. The Haryana State Cooperative Supply and Marketing Federation Limited and others
3.	CWP-30701-2018	Pardeep Kumar and others vs. The Haryana State Cooperative Supply and Marketing Federation Limited and others
4.	CWP-27645-2022	Ajit Kumar Nartwal and others vs. The Haryana State Cooperative Supply and Marketing Federation Limited and others

CORAM: HON’BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. R.K.Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate
for the petitioners in CWP- 7816 and 7817 of 1999

Mr. J.S.Johal, Advocate for
Mr. Vipin Pal Yadav, Advocate
for the petitioners in CWP-30701 of 2018 and
CWP-27645 of 2022

Mr. B.R.Mahajan, Senior Advocate with
Mr. Hitesh Pandit, Advocate
Ms. Nikita Goel, Advocate
for the respondents-Hafed

Mr. Raman Sharma, Addl. A.G., Haryana



JAGMOHAN BANSAL, J. (ORAL)

1. By this common order, CWP No. 7816 of 1999, CWP No. 7817 of 1999, CWP No. 30701 of 2018 and CWP No. 27645 of 2022 are hereby adjudicated as common questions of law and facts are involved. With the consent of both sides, facts are borrowed from CWP No. 7816 of 1999.

2. The petitioners through instant petition under Article 226 of the Constitution of India are seeking direction to respondents to implement decision dated 30.01.1977 of Board of Directors.

3. There are three petitioners in this petition. They were appointed as Field Inspector (Junior) during 1975-1982. There is a post known as Inspector in Food Supplies Department, Haryana. The duties and responsibilities of Food Inspector (Junior) in the office of Hafed and Inspector in Food Supplies Department are same. Prior to 01.04.1979, Field Inspector (Junior) in Hafed and Inspector in Food Supplies Department were getting same pay scale i.e. Rs. 140-300. The pay scale of Inspector in Food Supplies Department came to be revised from time to time. There was revision in pay scale of Field Inspector (Junior) but it was not at par with Inspector of Food Supplies Department. Taking into account anomaly in the pay scale of both set of employees, the Board of Directors of Hafed passed a Resolution in its 224th Meeting held on 20.01.1997 to the effect that post held by various officials in different categorises would be upgraded and their scales of pay would be revised. The relevant extracts of Meeting dated 20.10.1997 of Board of Directors are reproduced as below:-

“It is a fact that scale of F.I. (Jr.) of Hafed and of Inspector Food & Supplies, Haryana prior to the revision



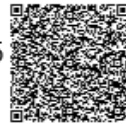
of pay scales w.e.f. 1.4.79 was Rs. 140-6-170-/8-10-300. The scale of F.I. (Sr.) and AFSO was at par i.e. Rs. 225-500 but on revision w.e.f. 1.4.79 the scale of F.I. (Sr.) in Hafed was revised to Rs. par the 525- 1050 whereas in the case of AFSO of Food Department, the scale was enhanced to Rs. 700-1250 resulting into anomaly. The scale of AFSO was further enhanced to Rs. 1640-2900 whereas the scale of F.I. (Sr.) in hafed kept at Rs. 1400-2600 w.e.f. 1.1.86 leading to further anomaly in this cadre.

In order to overcome the problems of stagnation, it is proposed that the posts held by various officials in different categories as below may be upgraded in the following scales:

<i>Sr. No.</i>	<i>Category</i>	<i>Number of officials</i>	<i>pay scale</i>
1	<i>F.I(Jr.)</i>	<i>93</i>	<i>1400-2600</i>
2.	<i>Store Keeper/ Godown Keeper Asstt. Store Keeper</i>	<i>35</i>	<i>-do-</i>
3.	<i>F.I (Sr.)</i>	<i>15</i>	<i>1640-2900</i>
4.	<i>Manager 'C' Grade</i>	<i>24</i>	<i>-do-</i>
5.	<i>Manager 'B' Grade</i>	<i>7</i>	<i>2000-3500</i>

By upgrading the above mentioned posts, the financial implication to the tune of Rs.25,000/- per month (approximately) would accrue.

With regard to the change of designation of Field Inspectors, it is proposed that the F.I. (Jr) may be designated as Inspector Grade-II whereas F.I. (Sr.) as Inspector. Similarly Store Keepers and Godown Keeper who are at par with the F.I. (Jr.) may also be designated as Inspector Grade-II because in the proposed Common Cadre Rules, 1997 it has been provided that for further promotions for the post of Manager 'C' Grade Field



Inspector (Sr.), the Field Inspector (Jr), or store Keeper/Godown Keeper will be eligible on the basis of their inter-se-seniority.

The matter is placed before the Board of Directors for their consideration and approval.

Agenda Item No. 5

Consideration of request of Field Inspectors (Jr.) and Field Inspectors (Sr.) and other field staff regarding improvement in their pay scale, promotions etc.

The proposal was approved but it was decided that the matter relating to the upgradation of posts of Store-Keepers/Godown Keepers/Acctt. Store Keepers be considered separately and examined afresh. The board also agreed to remove these anomalies w.e.f. 1.1.1986.”

3. As per Rule 5 of the Haryana State Supply and Marketing Cooperative Service (Common Cadre) Rules, 1988 (in short “1988 Rules”), the pay scale of employees may be revised by Board of Directors with the approval of Registrar, Cooperative Societies, Haryana. Rule 5 of 1988 Rules reads as:-

“5. CATEFGORIES OF POSTS

The various categories of posts, their nomenclature, pay scales and sanctioned strength shall be as in Annexure `A'.

Provided that the Board shall be competent to add or delete any post or revise the scale of pay of any or all posts or add or reduce the number of posts mentioned in Annexure `A' with the approval of Registrar, Cooperative Societies, Haryana.”



4. In accordance with the aforesaid Rule, Board of Directors, referred the matter to Registrar, Cooperative Societies, Haryana who vide communication dated 15.04.1991 intimated the respondent that proposal sent by Hafed was considered by Pay Revision Committee while considering the general pay revision of various posts of Hafed and recommendations of Pay Revision Committee have already been implemented. The relevant extracts of communication dated 15.04.1999 are reproduced as below:-

“Kindly refer to your letter No Hafed/A-1/2850, dated 26.03.1999 on the subject noted above.

2. It may be noted that the proposals sent vide your letter no. Hafed/Estt./E.I/4732, dated 1.12.97 and letter no. 4942, dated 22.12.97 on the above subject have already been considered by the pay Revision Committee while considering the General Revision of pay scales of various categories of posts of Hafed. The recommendations of the pay Revision committee after approval of the highest level have since been implemented.

3. In view of the above, no further action is required in the matter.”

5. The Registrar, Cooperative Societies vide communication dated 19.03.2001 further intimated the Managing Director, Hafed to the effect that Finance Department has observed that some of the State enterprises had flouted the instructions issued by the Finance Department and revised or upgraded pay scale at their own level without taking approval of the Administrative Department/ Finance Department. In the light of instructions of the Finance Department, the Registrar is not in a position to flout the instructions of Finance Department by revising pay scale of Field Inspector



(Junior). The relevant extracts of communication dated 19.03.2001 are reproduced as below:-

“ In continuation of this office memo No. Mkg. Ep 105/395 dated 22-1-2001 on the subject cited above.

In this connection, it is informed that the matter was discussed in the pay revision Committee on 19-1-98. The revision of pay scale of field Inspector (Jr.) and Field Inspector (Sr.) was considered by Pay Revision Committee and found without justification. Secretary Finance informed all the concerned Government Departments about the decision of the Committee regarding the pay scales of various category of posts of different institutions. The Finance Department vide their instructions dated 12-10-98 observed that some of the State enterprises had flouted the instructions issued by the Finance Department and revised / upgraded the pay scales of other employees in between 1-1-86 & 31.12-95 at their own level without getting the prior approval of the Administrative Department or Finance Department. Finance Department has taken a very serious view in this matter. So all public enterprises were advised not to repeat such action.

In view of the above position Registrar Cooperative Societies is not in position to flout the instructions of Finance Department, by revising the pay scales of Field Inspector (Jr.) and Field Inspector (Sr.) after the decision of HBPE / Finance Department. This decision has already been communicated to Hafed by HBPE on dated 15-4-99. In the light of above, the matter stands disposed off as, this office has to follow the instructions of Finance Department Haryana issued from time to time. The position is being brought to your notice



in compliance to the directions of the Hon'ble High Court regarding this matter.”

6. Mr. R.K.Malik, Senior Advocate submits that as per Rule 5 of 1988 Rules, the Registrar is competent authority to take decision on proposal of Board of Directors. He cannot deflect from his responsibilities by saying that decision has already been taken by Finance Department.
7. On being confronted with Rule 5 of 1988 Rules, Mr. B.R.Mahajan, Senior Advocate expressed his inability to controvert the fact that final decision with respect to revision of scales of pay of employees of Cooperative Societies, Haryana has to be taken by Registrar, Cooperative Societies, Haryana. He further submits that Finance Department has already considered claim of petitioners and revised their pay scales as per report of Pay Commission. They cannot claim that their pay scales were not revised. Nevertheless, as per Rule 5 of 1988 Rules, the Registrar would pass an appropriate order on the aforesaid recommendations of Board of Directors.
8. In the wake of statement of Mr. B.R.Mahajan, Senior Advocate, the instant petitions stand disposed of with a direction that Registrar, Cooperative Societies, Haryana would pass an order on the proposal of Board of Directors, within three months from today.
9. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

01.04.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	