



CWP-8133-2019
DECIDED ON: 08.09.2025

....PETITIONER

....RESPONDENTS

The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuance of a writ in the nature of *Certiorari* to declare that while fixing the pay of the petitioner vide order dated 14.07.2011 (Annexure P-S) for the compliance of the judgments dated 27.05.2010 (Annexure P-2) and 19.03.2019 (Annexure P-3), the petitioner along with the 3rd ACP granted with effect from 01.01.2006 is also entitled to his annual increment due on 01.01.2006 and further instead of the arrears from 27.05.2010, the petitioner is entitled to the arrears with effect from 01.05.1990 with a further for quashing of the memo dated 20.12.2016 (Annexure P-6) issued by respondent No.4 whereby the revision of pension of the petitioner has been refused. The petitioner has also

sought for quashing of the memo dated 27.09.2018 (Annexure P-9) issued by the office of Respondent No.3 in reply to the legal notice dated 02.08.2018 (Annexure P-8) and further directing the respondent No.3 to re-fix the pay of the petitioner after granting him the annual increment due with effect from 01.01.2006 and to pay the arrears of salary with effect from 01.05.1990 as per the above referred judgment dated 19.03.2013 (Annexure P-3).

The brief facts of the present case are that the petitioner joined the service of the Department of Public Health Engineering, Government of Haryana as a work charge employee on 26.01.1968, initially appointed as Oil Man, and later promoted to Pump Operator Grade-II in the year 1969. The petitioner's services were regularized w.e.f. 09.05.1975, and he retired on 30.09.2006 upon attaining the age of superannuation. Pursuant to the recommendations of the 3rd Pay Commission, the pay scale for Water Pump Operators, Fitters, and Electricians was revised to Rs. 950-1400. Subsequently, by the Finance Department Notification dated 26.07.1991, the pay scale for technical posts with prescribed minimum qualifications (Matric with ITI/Polytechnic) was enhanced to Rs. 1200-2040.

It has been contended by learned counsel for the petitioner that the petitioner has been denied the revised pay scale of Rs. 1200-2040/- but the similarly situated employees have been granted the pay scale of Rs.1200-2040 merely on the ground that he did not possess the requisite qualification being matric with non-ITI.

However, the question pertaining to whether the matric with non-ITI employee is entitled to the pay scale of Rs. 1200-2040 has already been decided by

this Court in CWP-18754-1991, titled as **“Gurdev Singh & others Vs. State of Haryana & others”**, wherein, following observations have been made:

“In the light of the afore-said judgments and in view of the interpretation which can be placed with Item No. 40 of pay revision rules of 1986 the petitioner, if working on technical posts cannot be deprived of the revised pay scales of Rs.1200-2040/- either on the ground that they are non-matric or that they are ITI or not or even they are having trade certificate of a different trade. According to the memo No. 6/1998 noticed in Labh Singh’s judgment-three years experience in trade was also to be considered as equivalent to ITI.”

Learned counsel for the petitioner submits that the petitioner, along with others, approached this Court by filing CWP No. 2790 of 1992, titled as ***“Hardyal Singh and others vs. State of Haryana”***, wherein the Court granted only notional benefits of the enhanced pay scale vide judgment dated 27.05.2010. The limitation to notional benefits was challenged before this Court in LPA No. 260 of 2013, which was allowed following the judgment in LPA No. 288 of 2012 ***“Harvinder Singh and others vs. State of Haryana”*** wherein, this Court held that the appellants, including the petitioner, were entitled to the pay scale of Rs. 1200-2040 and arrears from 01.05.1990. Thereafter, the State of Haryana challenged the said judgment before the Hon’ble Apex Court in SLP (Civil) No. 27977 of 2013, which was dismissed on 26.08.2013 with specific directions to comply with the judgment within four months. In compliance, thereof, the respondents fixed the petitioner’s pay in the scale Rs. 1200-2040 effective 01.05.1990 and subsequently in revised pay scales, initially on notional basis and then actual fixation from 27.05.2010 till retirement. However, the respondents erred in not granting the annual increment due from 01.01.2006 and paid arrears only from 27.05.2010

instead of 01.05.1990. The respondents further erred in refusing to revise the petitioner's pension in accordance with the revised pay, relying solely on a Finance Department letter dated 08.09.2016, which is irrelevant and inapplicable to the petitioner's case.

In view of foregoing discussions, the present petition is allowed. The petitioner is entitled to the arrears of pay after fixation of his pay in the pay scale of Rs.1200-2040 w.e.f. 01.05.1990. The arrears so calculated, be paid to the petitioner within a period of two months from the date of certified copy of this order.

08.09.2025*sham***(SANDEEP MOUDGIL)
JUDGE***Whether speaking/reasoned* *Yes/No**Whether reportable* *Yes/No*