



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

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CWP-4152-1997

Date of Decision: 04.03.2025

Rohtash and others

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sandeep Sharma, Advocate, for the petitioners.

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

Mr. Gaurav Jindal, Advocate, for respondent No.5.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondent to grant them pay scale of Rs.1200-2040/950-1400/- as payable to Group-C employees.

2. The petitioners joined respondent as Assistant Pump Operator. They came to be regularized vide order dated 28.12.1993. The order was passed by Deputy Commissioner, Mohindergarh at Narnaul. Operative portion of the order reads as below:-

“The Administrator, Municipal Committee vide his letter No.524, dated 16-6-93 has informed that 15 employees have been appointed from 1979 to 1987 on daily wages basis. All these employees are working on daily wages basis for more than last 5 years. According to the circular issued by the Chief Secretary, Government of Haryana No. 6/4/90-2-GS-I, dated 27-5-93, these employees who were in service on 31-3-93 and have completed 5 years of service are entitled to be regularised.



Similarly, the Municipal Committee, Ateli vide its letter No. 375, dated 30-5-93 has written that Mr. Umesh Kumar is working on daily wages basis since 18-7-87 and is entitled to be regularised.

The Chief Secretary, Govt. of Haryana vide his letter No. 6/4/90-GS-I, dated 27-5-93 has decided that all those employees who have completed 5 years of service be regularised in service. On regularisation, they shall be aka entitled to the grant of pay scale and other allowances applicable to Group 'D' employees which are applicable to regular Govt, employees of identical pay scales.”

3. The State Government took over charge of Municipal Committee and petitioners came to be shifted to Public Health Department. They became employees of Public Health Department.

4. Mr. Sandeep Sharma submits that as per notification dated 11.05.1994 which was issued subsequent to their regularization, the petitioners must have been regularized as Group-C employees instead of Group-D. An employee who was holding position of Group-C could not be regularized as Group-D. Rules were not in force at that point of time, however, Government in 1998 introduced Haryana Public Works Department, Public Health Branch, Circle Cadre Mechanical (Group-C) Service Rules, 1998 (in short '1998 Rules'). As per said Rules, Water Pump Operator Grade-I and Water Pump Operator Grade- II posts are Group-C posts. Thus, petitioners should be considered for all intent and purposes Group-C employees instead of Group-D.

5. *Per contra*, learned counsel for respondent No.5 submits that petitioners were regularized by order dated 28.12.1993 passed by Deputy Commissioner. In the order of regularization, it was specifically mentioned that



they would be entitled to pay scale and other allowances applicable to Group-D employees. The petitioners were holding position of Assistant Pump Operator whereas 1998 Rules are applicable to Water Pump Operator Grade-I and Grade-II. The petitioners were neither holding position of Water Pump Operator Grade-I nor Grade-II. They were rather getting lower pay scale i.e. Rs.750-940/- whereas Water Pump Operators were getting scale of Rs.950-1400/-.

6. I have heard the arguments and perused the record.

7. From the perusal of order dated 28.12.1993, it is evident that petitioners were regularized as Group-D employees. They were holding position of Assistant Water Pump Operator. No Rule or Regulation or Circular at that point of time was in force whereby they were declared Group-C employees. The petitioners are relying upon 1998 Rules which are applicable to Water Pump Operator Grade-I or Grade-II. Concededly, the petitioners were neither holding post of Water Pump Operator Grade-I nor Grade-II. They prior to their regularization were holding position of Assistant Pump Operator which cannot be called as post of Pump Operator Grade-I or Grade-II.

8. In the wake of above discussion and findings, this Court is of the considered opinion that the claim of petitioners is misconceived.

9. Dismissed.

04.03.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
Yes