

later on their services were regularized. It was pleaded that the Government of Haryana, revised the pay scale of various category of employees in the year 1986, w.e.f. 01.04.1979, however, there were anomalies in the pay scales and vide letter dated 30.03.1982, the pay scale of technical posts in all the departments, where minimum educational qualification prescribed was Matric and 02 years ITI certificate, were revised to Rs.480-760, w.e.f. 01.02.1981 instead of earlier pay scale of Rs.400-660/420-700.

3. The appellants claimed that although they filed representations for grant of salary in the pay scale of Rs.480-760, however, the same were not accorded consideration. In the interregnum, the 4th Pay Commission was constituted, and a new pay scale was granted to the employees w.e.f. 1.1.1986, as per its recommendations. It is further averred that the Pay Commission did not examine the pay scales separately for each post, but recommended that those who are having a particular pay scale before 01.01.1986, should be granted higher corresponding pay scale. Resultantly, the appellants, who were in the pay scale of Rs.400-660, were granted corresponding higher pay scale of Rs. 950-1440/950-1500. Thereafter the State Government constituted the Pay Anomaly Removal Committee and on the basis of its recommendations, a notification dated 23.08.1990 was issued whereby the pay scale pertaining to technical posts in various departments for which minimum educational qualification prescribed was Matric with ITI certificate, was modified to Rs.1200-2040, w.e.f. 01.05.1990.

4. It is the case of the appellants that certain similarly situated employees, who had approached this Court by filing writ petitions, were granted the benefit of pay scale of Rs.1200-2024, w.e.f. 01.01.1986 and pre-

revised scale of Rs. 480-760, while the said benefit was denied to them, despite repeated representations.

5. In the written statement filed on behalf of the official respondents, it was inter alia stated that the pay scale of Rs. 480-760 was granted to those employees, who were previously working in the pay scale of Rs.120-250 or 140-250, which was revised to Rs.400-600 or 420-700. It was further averred that the Government of Haryana took a conscious decision to grant pay scale of Rs.1200-2040 w.e.f. 01.05.1990, which was granted to the appellants, strictly in accordance with the government instructions.

6. Replication was filed to the written statement, wherein the averments made in the writ petition were reiterated and it was additionally clarified that initially there was difference of pay scale between the regular employees and work charged employees, wherein the work charged employees were in the pay scale of Rs.100-160, prior to 01.04.1979 while the regular employees working on the same post, were getting the pay scale of Rs.130-180, 120-250, 130-250 etc. The pay scale of the regular employees was revised w.e.f. 01.04.1979, however the pay scale of work charged employees was revised w.e.f. 01.04.1981.

7. Aggrieved by the revision of pay scale w.e.f. 1981 instead of 1979, the employees union approached this Court by filing CWP-6044-1983, claiming revision of pay scale at par with regular employees, which was allowed and work charged employees were held to be entitled to the grant of revised pay scale w.e.f. 01.04.1979 i.e. the date when the recommendations of the pay commission were accepted by the Government. It was further averred that on the basis of the judgment, the Government of

Haryana decided to revise the pay scale of work charged employees of the PWD department (3 wings), w.e.f. 01.04.1979, instead of 01.04.1982. It was further averred that since all the appellants were granted the benefit of revised pay scale w.e.f. 01.04.1979, therefore they cannot be denied the benefit of the notification dated 30.03.1982.

8. In the rejoinder, the respondents clarified that the appellants were initially appointed in the pay scale of Rs.100-160, which was revised to 400-600, w.e.f. 01.04.1979, further revised to 950-1400 w.e.f. 01.01.1986 and in view of the notification dated 23.08.1990, they were given pay scale of Rs.1200-2040 w.e.f. 01.05.1990. It was further stated that the appellants could not claim higher pay scale on the basis of notification dated 21.07.1980 as it was withdrawn on 26.05.1997. The Government of Haryana consequently, revised the pay scale of Assistant Pump Operators to Rs.1200-2040 w.e.f. 01.05.1990 and the appellants could not claim this scale from an earlier date. It was further averred that challenge cannot be laid to old pay scales at such belated stage, after lapse of 10-17 years.

9. Aggrieved from the refusal of the authorities to grant pre-revised pay scale of Rs. 480-760 and revised pay scale of Rs.1200-2040 w.e.f. 01.01.1986, the appellants approached the writ Court.

10 Learned Single Judge after considering the rival contentions of the parties, dismissed the writ petition vide the impugned judgment and order dated 09.12.2024 by inter alia making the following observations:-

“The facts which have emerged from the abovesaid pleadings are that the State Government revised the pay scales of its employees w.e.f. 01.01.1986 and the petitioners were placed in the pay scale of Rs.950-1400/- which has further been revised to Rs.1200-2040/- w.e.f. 01.05.1990 only for those categories who are having qualification of Matric and 02 years ITI Certificate. The present case is a case of further revision of pay scale of certain sets of employees having the above-said qualification, who are working

against technical post. It is not a case of removal of pay anomaly. Annexure A to the notification dated 23.08.1990, whereby the pay scales were modified from 01.01.1986 to 01.05.1990 reads as under :-

“Annexure-A
(Annexure to F.D. Letter No.6/23/3PR (FD)-88 dated 23rd August, 1990)

Sr. No.	Name of the deptt.	Name of the Post	Existing pay scale as on 1.1.1986	Modified scale of pay w.e.f. 01.05.1990
xx	xx	xx	xx	xx
xx	xx	xx	xx	xx
40.	General recommendations regarding technical posts in various departments for which minimum educational qualification prescribed is Matric with I.T.I. certificate/Polytechnic.		750-940 775-1025 800-1150 950-1400 950-1500	1200-2040 (it has been decided that further recruitment of non-Matric be stopped
xx	xx	xx	xx	xx”

12. Similar issue came up for hearing before the Division Bench of this Court in **Jagroop Singh Vs. State of Haryana : 2001(3) SCT 124**, wherein the similar claim made by Water Pump Operators was accepted by this Court and they were held entitled for the technical pay scale of Rs.1200-2040/- w.e.f. 01.01.1986 instead of 01.05.1990. The said judgment was challenged by the State of Haryana before the Hon’ble Supreme Court in Special Leave to Appeal (Civil) No.16505 of 2001 titled as ‘State of Haryana and others Vs. Jagroop Singh’ decided on 12.07.2002, wherein Division Bench judgment of this Court was set aside by observing as under :-

“Leave granted.
The State of Haryana is in appeal against the impugned judgment of Punjab and Haryana High Court. By the impugned judgment, the respondent would be entitled to the higher scale of pay Rs.1200-2040 with effect from 1.1.1986, but added a rider that this will be restricted to 38 months preceding the filing of the Writ Petition. Be it be stated that the respondent was appointed as an Assistant Pump Operator on 21.10.1985 in the pay-scale of Rs.400- 600. After the recommendation of the 4th Pay Commission, he was given the scale of pay of Rs.950-1500 with effect from 1.1.1986. There had been a lot of grievances and demand by these categories of people before the Government. Government ultimately sympathetically considered the representations received from several quarters and suggestions made by the different authorities and decided to modify the scale of pay in respect of some posts with effect from 1.5.1990. So far as the

respondent is concerned, he was granted the pay scale of Rs.1200-2040 with effect from 1.5.1990. The respondent approached the High Court claiming that he would be entitled to the aforesaid pay-scale with effect from 1.1.1986, the date on which the 4th Pay Commission recommended change of the earlier pay-scale. The respondent, however, did not assail the legality of the notification issued by the State Government modifying the pay-scale. The High Court is of the opinion that once the Government takes a decision modifying the recommendation of the Pay Commission, it should relate back to the date on which the recommendation of the Pay Commission had been given effect to. In our view, the High Court was in error in coming to the aforesaid conclusion. The Government on the basis of representations made and suggestions received as well as qualifications for different posts have modified the pay-scale so far as the respondent's post is concerned to Rs. 1200-2040 with effect from 1.5.1990, and it appears that the recommendations in respect of all these posts were with effect from that particular date, namely, 1.5.1990. We see no infirmity with that decision of the Government requiring interference by the Court in exercise of its discretionary jurisdiction under Article 226 of the Constitution, particularly when the respondent in the Writ Petition never assailed the legality of the aforesaid notification. In these circumstances, we set aside the impugned judgment of the High Court and allow this appeal. We direct that the respondent would be entitled to higher pay scale with effect from 1.5.1990.”

In the present case also the notification dated 23.08.1990 has not been challenged by the petitioners.

13. A Full Bench of this Court in *Rajbir Singh and others Vs. Haryana State Electricity Board and others* : 2009(3) SCT 543, while considering the similar issue raised by the Assistant Lineman of the Haryana State Electricity Board and considering a Division Bench Judgment of this Court in *Jai Parkash's* case (*supra*), on which learned counsel for the petitioners has placed reliance, has rejected the claim for grant of pay scale of Rs.1200-2040/- w.e.f. 01.01.1986.

14. Since the similar claim of granting revised pay scale of Rs.1200-2040/- w.e.f. 01.01.1986 instead of 01.05.1990 to ‘Assistant Pump Operators’ has already been rejected by Hon’ble Apex Court in *Jagroop Singh's*

case (supra), the claim of the present petitioners for the same benefit cannot be acceded to in view of law laid down in the abovesaid judgments.”

11. Learned counsel appearing on behalf of the appellants assails the correctness of the decision of learned Single Judge on the ground that the claim of the appellants was based upon the notification/policy dated 30.03.1982 (Annexure P-2), and the recommendations of 4th Pay Commission, however, the said aspect has been over looked and the claim of the appellants has wrongly been rejected by applying the ratio of the judgment of Hon’ble Supreme Court in the case of **‘State of Haryana and Others vs. Jagroop Singh’ (supra)**, which was not applicable in the case of the appellants. It is further contended that the learned Single Judge has lost sight of the fact that several similarly situated employees, working on technical posts of Fitter, Electrician and Painter were granted the technical pay scale of Rs.1200-2040 w.e.f. 01.01.1986 vide order dated 27.09.1996, placed on record by the respondents themselves as Annexure R-2 and, therefore, the rejection of the claim of the appellants was a clear case of discrimination.

12. Lastly it has been urged that the case of the appellants is squarely covered by the judgment passed by learned Single Judge of this Court in CWP-12193-1990, titled as **‘Amar Singh and others vs. State of Haryana and others’**, decided on 06.12.1991 as well as the judgment dated 11.05.2010 passed by the Coordinate Bench of this Court in CWP-5665-1991, in the case of **‘Ved Parkash and others vs. State of Haryana and others’**.

13. We have heard the learned counsel for the appellants and have gone through the documents available on record.

14. So far as the claim of the appellants for grant of pre-revised pay scale of Rs. 480-760 is concerned, in our considered view, the same merits rejection on the short ground that the appellants, slept over the matter and never approached this court in time, despite the fact that they admittedly claim to have sent representations to the authorities from the year 1984 onwards and were fully aware of the policy dated 30.03.1982.

15. The argument of the learned counsel for the appellants that the Learned Single Judge, while dismissing the petition of the appellants, wrongly relied upon the judgment of Hon'ble Supreme Court of India in the case of State of Haryana and Others vs. Jagroop Singh (supra), is misplaced. We have examined the facts of the said case, which also pertains to a Water Pump Operator, and identical relief as prayed for by the appellants, was sought therein. The Apex court after noticing the facts, held that there was no infirmity in the decision of the Government to have modified the pay scale for the particular post to Rs.1200-2040 w.e.f. 1.5.1990, particularly when the notification dated 23.08.1990, was not assailed. The appellants have also not laid challenge to the notification dated 23.08.1990, whereby the government has taken a conscious decision to grant uniform pay scale to all the employees on technical posts, in various departments, for which minimum educational qualification prescribed is Matric with ITI. In such circumstances, the decision of Hon'ble Supreme Court of India in the case of Jagroop Singh (supra), would fully cover the case of the Appellants.

16. The learned Single Judge has further referred to the decision of a Full Bench of this Court in the case of '**Rajbir Singh and others vs. Haryana State Electricity Board and others**' 2009(3) SCT 543, wherein

the full Bench rejected the identical claim of Assistant Lineman in the Haryana State Electricity Board.

17. Once, during the pendency of the writ petition, identical challenge laid by similarly situated employees has been rejected, then the prayer of the appellants cannot be accepted.

18. In that view of the matter, the impugned judgment and order dated 09.12.2024 passed by learned Single Judge in CWP No. 7683-1997, does not warrant any interference and the present Letters Patent Appeal is accordingly dismissed.

19. Pending application(s), if any, shall also stand disposed of.

(ASHWANI KUMAR MISHRA)	(ROHIT KAPOOR)
JUDGE	JUDGE

28.10.2025
dinesh

Whether speaking/reasoned	: Yes
Whether Reportable	: No