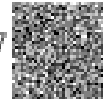


**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2025:PHHC:024717



CWP No. 25232 of 2013(O&M)

Date of Decision: 20.02.2025

Ram Singh and another

....Petitioners

VS.

**Chief Administrator, Haryana Urban Development Authority,
Panchkula**

....Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

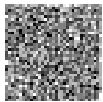
Present: Mr. S.K.Malik, Advocate
for the petitioners
Mr. Arvind Seth, Advocate
for the respondent

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 the post held by them on current duty charge.

2. The petitioners in 1999 were holding substantial post of Junior Engineer. The respondent vide order dated 25.06.1999 assigned them charge of Sub Divisional Engineer. They continued to discharge responsibilities of Sub Divisional Engineer till the date of their retirement. It is apt to notice here that both the petitioners retired in 2013.

3. Mr. S.K.Malik, Advocate submits that in view of judgment of this Court delivered in **CWP No. 9083 of 2015**, titled as “**Shri Bhagwan Sharma and others vs. State of Haryana and others**”, the petitioners during their service tenure were entitled to pay and allowances as payable to Sub Divisional Engineer.



4. The judgment of this Court in **Shri Bhagwan Sharma (Supra)** is based upon judgment of Full Bench of this Court in **Subhash Chander vs. State of Haryana and others, 2012 (1) SCT 603** as well as judgment of Supreme Court in **Smt.P.Grover vs. State of Haryana, AIR 1983 SC 1060**.

5. On being confronted with the aforesaid judgments, counsel for the respondent expressed his inability to controvert their applicability to the instant case, however, submits that pension of the petitioners may not be fixed on the basis of post of Sub Divisional Engineer.

6. Faced with this, Mr. S.K.Malik, Advocate agrees with the contention of the respondent qua pension.

7. In the wake of statement of both sides and judgment of this Court in **Shri Bhagwan Sharma (Supra)**, the instant petition stands disposed of with a direction to respondent to determine pay and allowances of the petitioners, considering them officials holding position of Sub Divisional Engineer. It is made clear that they would be entitled to differential salary i.e. salary actually drawn by them and salary payable to an official holding substantive rank of Sub Divisional Engineer.

8. Let the needful be done within three months from today. The arrears shall not carry interest.

9. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

20.02.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No