

2026:PHHC:066352



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-6565-CWP-2026 in/and
CWP-9444-2017
DECIDED ON:30.04.2026

NORANG RAI LOOHACH

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.K. Malik, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

Prayer in this application is for fixing the actual date of hearing in the main petition.

Notice in the application.

Mr. Deepak Balyan, Addl. AG. Haryana, having served with an advance copy of the application, has put in appearance and endorsed no objection, in case the present application is allowed.

In the light of above and for the reasons mentioned in the application as well as submissions made by learned counsel for the petitioner, the application is allowed.

Main case is taken on board.

CWP-9444-2017

Prayer

1. The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents to grant the pay scale meant for the post of sub-Divisional officer from the dates the respondents are taking work from the petitioner of Sub-Divisional officer and the petitioner be granted all consequential benefits.

Factual backdrop

2. The petitioner was appointed as a Junior Engineer in the Irrigation Department, Haryana on 29.11.1979 on an ad hoc basis, and his services were regularized on 01.03.1982. With prior approval from the department, the petitioner improved his qualifications by obtaining a degree in Civil Engineering in 1992, despite facing financial hardship and without receiving pay during that period. He was promoted to the post of Assistant Sub Divisional Engineer (ASDE) on 01.03.2000. Subsequently, he was assigned the look-after charge of Sub Divisional Officer (SDO), Civil Engineering, on 06.12.2013, and was later regularly promoted to the said post on 12.05.2015, joining formally on 15.05.2015. The petitioner submitted representations and served legal notices in August 2016 and on 15.12.2016, seeking grant of the pay scale applicable to the post of SDO from the date he was made to discharge duties of that post, along with all consequential benefits; however, no response was received from the respondents.

Contentions

On behalf of the petitioner(s)

3. The petitioner claims the relief primarily on the ground of discrimination, while discussing the attention of this Court towards the judgment

passed by this Court in CWP No. 10152 of 2000, decided on 09.05.2002, titled *Balbir Singh Dalal and others vs. State of Haryana and another*, wherein the petitioners belonged to the same department, i.e., the Irrigation and Water Resources Department, and were similarly situated under identical circumstances.

4. It is also contended that the petitioner, along with other persons, was assigned the current duty charge of the post of Sub Divisional Officer vide order dated 03.12.2013 (Annexure P-2), in his own pay scale, with an arbitrary stipulation created by the respondents that he would not be entitled to any benefits of the said post, including pay scale, salary, allowances, seniority, etc.

5. The aforesaid order has been assailed on the ground that one Balbir Singh, working in the same department, has been granted the said benefits pursuant to the orders passed by this Court in *Balbir Singh's case (supra)*. The Court observed that:-

“The essentials for raising such a claim are satisfied in the facts and circumstances of the present case. The petitioners were provided appointments in accordance with rules and were required to discharge functions and duties of the posts which admittedly carried higher responsibilities. They were not holding a dual charge. Against the posts to which they were appointed on current duty charges, the services of the petitioners were regularised. Thus, we see no reason, whatsoever, to reject the request of the petitioners for grant of appropriate pay scales payable to the post of Sub Divisional Officer for the limited period afore noticed.

In view of the above discussion, we allow this writ petition limited to the extent that the petitioners would be entitled to receive higher pay that of Sub Divisional Officer for the limited period afore-noticed. The claim of the petitioners in regard to interests and costs is declined.”

6. In response to the said contention, learned State counsel makes an attempt to rely upon the stipulation contained in the impugned order, to the effect that the petitioner would not be entitled to any benefits of the post of Sub Divisional Officer, as he was assigned the said charge merely as a stop-gap arrangement against a direct recruitment quota post. However, there is no denial by the counsel the fact that the case of the petitioner is indeed squarely covered by the judgment in *Balbir Singh's case (supra)*, as he is similarly situated and the question of law involved is identical.

7. Accordingly, this Court is of the opinion that since the case of the petitioner is squarely covered as conceded by the learned State counsel, the present petition deserves to be allowed in view of the judgment passed in *Balbir Singh's case (supra)*.

8. The respondents are directed to extend the benefit of the said judgment to the petitioner by granting him the pay scale of the post of Sub Divisional Officer (SDO) from the date he was assigned the current duty charge of the said post, along with all consequential benefits, including arrears of pay. The said exercise shall be carried out within a period of three months from the date of receipt of a certified copy of this order.

9. The petition is therefore, allowed.

10. Pending application(s), if any shall be disposed off.

30.04.2026
Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No