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

**CWP-37931-2025 (O&M)
Date of decision: 12.02.2026**

Azad Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ravinder Malik, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl. AG, Haryana.

Mr. Vikrant Pamboo, Advocate
for respondents No.2 to 4.

HARPREET SINGH BRAR, J.

1. Present petition has been preferred under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing of the order dated 02.01.2024 (Annexure P-7) and the order dated 17.11.2025 (Annexure P-11) passed by respondent No.2 and further to direct the respondents to grant all the benefits of pay, seniority, ACP etc. w.e.f. 09.03.2004 in the pay scale of Rs.4000-6000, revised to Rs.5200-20200 with

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grade pay of Rs.2400 along with all the consequential benefits with interest @24% *per annum* from the due date till actual payment.

2. On 22.12.2025, following order was passed by this Court: -

“Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari, for quashing the order dated 02.01.2024 (Annexure P-7) and order dated 17.11.2025 (Annexure P-11) passed by respondent No.2. Further a writ of mandamus has been sought, directing the respondents to grant all the benefit of pay, seniority etc. to petitioner w.e.f 09.03.2004 in the pay scale of Rs. 4000-6000, revised to Rs. 5200-20200 with Grade pay of Rs. 2400, along with all the consequential benefit of ACP etc., including interest @ 24% per annum, from the due date till its actual payment, within some stipulated period.

Learned counsel for the petitioner, inter alia, contends that this is the second round of litigation arising out of an arbitrary and illegal denial of service benefits to the petitioner, who served on deputation with HAFED from 09.03.2004 to 12.07.2009 and was thereafter absorbed. He further submits that respondent No.2 had initially and rightly granted the petitioner the applicable pay scale for the deputation period vide order dated 11.01.2022 (Annexure P-6) but the said benefit was subsequently withdrawn vide order dated 02.01.2024 (Annexure P-7) by invoking the provisions of the Punjab Civil Services Rules relating to “foreign service,” which are wholly inapplicable to a case of deputation. The said withdrawal order was set-aside by this Court vide order dated 18.08.2025 passed in CWP-23633-2025 (Annexure P-10), with a specific direction to the respondents to pass a fresh,

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reasoned and speaking order. However, in purported compliance of the said directions, respondent No.2 has again passed the impugned order dated 17.11.2025 (Annexure P-11), reiterating the very same grounds and reasoning which had already been disapproved and set-aside by this Court, thereby exhibiting a clear non-application of mind and defiance of judicial directions. Learned counsel for the petitioner further contends that passing an order identical in substance to the one already quashed by this Court, amounts to judicial indiscipline and overreach. He further submits that the impugned action of the respondents is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India, as the petitioner has been denied benefits which have been granted to other similarly situated and identically circumstanced employees.

Learned counsel for respondents No.2 to 4 seeks a short accommodation to have complete instructions in the matter.

Adjourned to 29.01.2026.”

3. Learned counsel for respondents No.2 to 4 has filed written statement on behalf of respondents No.2 to 4 in the Court today, which is taken on record. Registry is directed to tag the same at the appropriate place of the case file. He submits that vide office order dated 27.02.2004, the petitioner was taken on deputation with HAFED to work as Store Keeper for a period of one year on usual terms and conditions and period of deputation was subsequently extended from time to time. Further, the petitioner never raised any objection regarding his pay during the deputation period from 09.03.2004 to 12.07.2009 and after an unexplained delay of more than 13 years, he submitted a

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representation on 09.10.2017 claiming the pay scale of Field Inspector (Store)/Store Keeper i.e. Rs.4000-6000 for the entire period of deputation.

4. He further submits that the claim raised by the petitioner is wholly belated and without any legal basis, as minimum qualification for direct recruitment to the post of Field Inspector (Store) is Graduation with one year Diploma in Computer and for absorption from the Society is Matriculation with seven years' experience as Store Keeper/Salesman. When the petitioner was taken on deputation, he was possessing the qualification of 10+2 and was having only about two years' experience as Salesman. As such, once the petitioner does not fulfill the eligibility criteria prescribed for the post of Field Inspector (Store), therefore, he cannot claim the pay scale of Rs.4000-6000 as a matter of right. Further, on 11.01.2022, the petitioner was inadvertently granted the said pay scale for the deputation period by referring to Rule 112 of the Haryana Civil Services (General) Rules, 2016 (for short '2016 Rules'), which came into force on 19.07.2016, whereas his deputation period was from 09.03.2004 to 12.07.2009. Thus, the order dated 11.01.2022 was contrary to the rules applicable during the relevant period. Consequently, the matter was referred to the Registrar, Cooperative Societies, Haryana for seeking clarification regarding applicability of the relevant rules and Government instructions dated 17.03.1987 and after due consideration, the benefit granted to the petitioner on 11.01.2022 was withdrawn vide order dated 02.01.2024.

5. Having heard learned counsel for the parties and after perusal of

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the record of the case with their able assistance, it transpires that the petitioner, at the time of his deputation, was not having essential qualifications for the post, of which he is claiming the pay scale. Further, it is settled law that the employee on deputation would be covered by pay matrix of the parent department, as during deputation period, he was having the lien with his parent department. Moreover, Rule 112 of 2016 Rules was relied upon while granting pay scale of Rs.4000-6000 on 11.01.2022. These rules came into effect on 19.07.2016, whereas the petitioner's deputation period was from 09.03.2004 to 12.07.2009. As such, the petitioner is not entitled to the aforementioned pay scale.

6. In view of the facts and circumstances of the case, this Court finds no merit in the present petition and accordingly, the same is dismissed.

7. The pending miscellaneous application(s), if any, shall stand disposed of.

[HARPREET SINGH BRAR]
JUDGE

12.02.2026
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No