

(2011) 11 P&H CK 0217

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 20865 of 2011

Sunder Dass and
others

APPELLANT

Vs

Versus State of
Haryana and others

RESPONDENT

Date of Decision: Nov. 11, 2011

Acts Referred:

- Constitution of India, 1950 - Article 14
- Haryana Civil Services (Revised Pay) Rules, 2008 - Rule 10

Hon'ble Judges: Tejinder Singh Dhindsa, J; Permod Kohli, J

Bench: Division Bench

Judgement

Permod Kohli, J.

Notice of motion.

2. Mr. R.K.S. Brar, Addl. A.G., Haryana has been asked to accept notice on behalf of respondents-State.

3. In view of the common factual background and legal questions involved, both these petitions are being disposed of by this common order.

4. Petitioners herein have filed these petitions seeking quashment of Rule 10 of the Haryana Civil Services (Revised Pay) Rules, 2008 being ultra vires with an alternative prayer of directing the respondents to grant them the benefit of increment on 1.1.2006 and 1.7.2006 as has been granted to those employees for whom the date of next increment was between 1.7.2006 to 1.1.2007.

5. Admittedly, the issue involved in the present writ petitions is squarely covered by a Division Bench judgement of this Court rendered in CWP No. 16975 of 2010 followed in CWP No. 18134 of 2011 decided on 26.9.2011. The Hon'ble Division Bench while examining the issue in CWP No. 16975 of 2010 issued following

directions:

For the reasons aforementioned these petitions succeed. The date of increment of 1st July is declared as ultra vires of Article 14 of the Constitution in respect of those employees who earn their increment between 1st of January to 30th of June. It is directed that the petitioners and all other such employees shall be given increment on the date when they originally earn increment. The respondents shall undertake the exercise of restoring these increments to the petitioners from the date they originally earn their increments. The needful shall be done within a period of two months from the date of receipt of a copy of this order.

6. In view of the above, these petitions are disposed of in terms of the aforementioned directions. Petitioners shall be entitled to similar relief as granted in the above referred writ petition.

7. A copy of this order be placed on the record of each connected file.