
(2013) 02 P&H CK 0005
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 14573 of 2011

Haryana Judges Association

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 07-02-2013

Acts Referred:

Citation : (2013) LabIC 4112

Hon'ble Judges : Ritu Bahri, J; Hemant Gupta, J

Bench : Division Bench

Advocate : Anoop Singh and D.S. Rawat, for the Appellant; Saurav Mohunta, DAG and Naresh Joshi, for the Respondent

Judgement

Hemant Gupta, J.—The challenge in the present petition is to the instructions dated 28.12.2010. whereby the judicial officers working in the State of Haryana were denied benefit of cash payment in lieu of Leave Travel Concession in a Block of four years in a discriminatory manner, as the said benefit has been granted to the other employees of the State Government. It has been pointed out that the State of Haryana has framed Leave Travel Concession Scheme dated 5.2.2009 for all State Government employees which includes for members of the Haryana Civil Service (Executive) Branch Officers as well. As per the said scheme. one month salary is admissible to the State Government employees, who do not avail Leave Travel Concession facility in the Block of four years. The relevant condition reads as under:--

Now the State Government has revised the pay-scales of the State Government employees with effect from 1.1.2006. With a view to liberalise the policy of leave travel concession for visiting Home Town and any place in India, the matter has been further considered by the Government and it has been decided that one month's salary would be admissible to the State Government employees in a block of four years, in lieu of LTC/HTC facility. The first block of four years for this purpose shall be 2008-2011 (1.1.2008 to 31.12.2011) and the next blocks of four years for this purpose shall be 2012-2015, 2016-2019, 2020-2023 and so

on.

The employees who have availed LTC/HTC facility during the current block of four years 2008-2011 shall not be entitled to one month's salary during this block year. These instructions may be brought to the notice of all concerned.

2. Another circular was issued on 28-12-2010. wherein the benefit of Leave Travel Concession was restricted to the judicial officers working in Haryana State once in four years to any place of India (Clause 4). In circular dated 28.12.2010, it is specifically provided that the judicial officers will not be entitled to cash payment in lieu of Leave Travel Concession.

3. It is argued that the judicial officers are employees of the State of Haryana and are entitled to be treated at par with other employees and cannot be treated as separate class so as to deny the benefit of cash payment in lieu of the scheme applicable to all employees of the State of Haryana.

4. In the reply, it has been stated that the pay-scale and other benefits to the judicial officers are in terms of the judgment of Hon'ble the Supreme Court in All India Judges Association and Others Vs. Union of India (UOI) and Others, and the orders passed therein from time to time. It is argued that such benefit is not contemplated either in the report of Shetty Commission or by the Supreme Court in the orders passed in the aforesaid case, therefore, such benefit has not been granted to the judicial officers, which constitute a separate class.

5. We have heard learned counsel for the parties and find that the action of the State Government is discriminatory, irrational and arbitrary. The benefit of cash payment in lieu of Leave Travel Concession is not envisaged in the report of the Shetty Commission. The action of the State in treating the judicial officers to deny the benefit of cash payment in creation of a class within the employees of the State Government. The order of Hon'ble the Supreme Court in All India Judges Association and Others Vs. Union of India (UOI) and Others, does not prohibit granting of any other benefit to the judicial officers in terms of the scheme framed by the State from time to time. The orders in the said case does not permit the State Government to deny the benefit which is conferred on the other employees of the State. All the employees of the State have to be treated at par in the matter of grant of benefits such as Leave Travel Concession which has been granted to all other employees of the State irrespective of their rank and status. Consequently, we find that the Clause 4 of the Circular dated 28.12.2010. is wholly illegal and violative of the equality in the matter of benefits to the state employees. Thus, the present petition is allowed in the manner mentioned above.