

(2013) 08 P&H CK 0184
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 2340 of 2005

N.S. Yadav and Another

APPELLANT

Vs

Chaudhary Charan Singh, Hisar Agricultural University

RESPONDENT

Date of Decision : 05-08-2013

Acts Referred:

Citation : (2013) 08 P&H CK 0184

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Amit Jain, for the Appellant; Saroj Malakar, for the Respondent

Final Decision : Disposed Off

Judgement

K. Kannan, J.—The point raised in the writ petition is squarely answered by the judgment of the Supreme Court for which decision this case

was deferred for adjudication. In the Civil Appeal No. 3250 of 2006 before the Supreme Court, the issue was as in this case the issue is, that a

person who was employed in Group D post on being promoted to Group C post shall be entitled to secure a scale not less than the scale which

was applied for a Group C employee. The problem has confounded by the fact that some of the employees in Group C had earned ACP scales

and when some persons were promoted from Group B, who were seniors to the persons in Group C, they were placed lower than the persons,

who were drawing ACP scales in Group C. The Supreme Court, therefore, modified the judgment of this Court which was appealed against and

held as follows:-

In the result, all the appeals are partly allowed. The appellants shall revise the pay scales of the respondents. In case of any anomaly, if the

employees, who, on fixation of ACP Scales, are in receipt of lesser salary than their juniors in the same cadre/post, then their salary shall be

stepped up accordingly. Revised orders shall be passed within a period of two months of the receipt of the copy of this order by the Government.

However, if upon revision of the pay-scales, any employee is liable to refund any amount, the Government shall not insist on refund of such

amount. If any employee is entitled to get any amount by way of pay revision, the said amount shall be made available to him within a period of six

months from the date of receipt of the copy of this order by the Government.

The petitioners will have the same benefit as referred to above. If the amount has already been paid to the employees, it shall not be required to be

refunded. The scales are to be reworked in the manner in which the Supreme Court has directed and the exercise shall be completed within a

period of 12 weeks and the amount if found due shall be paid to the petitioners with interest @6% from the date when they fell due to the date of

payment.

2. The writ petition is disposed of on the above terms.