
(2011) 05 SHI CK 0092
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 12757 of 2008

R.P. Jindal

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 26-05-2011

Acts Referred:

Citation : (2011) 05 SHI CK 0092

Hon'ble Judges : Surjit Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Surjit Singh, J.—Petitioner had been serving as Assistant Engineer in the Public Works Department till his retirement, on attaining the age of superannuation, on 30th April, 2005. In the year 2000, a Notification, copy Annexure A-4, was issued. As per this Notification, Assistant Engineers and certain other Officers of different departments had been placed in four-tier pay-scales, with effect from 1st January, 1996. The Notification said that the individual Officers could opt for a date different from 1st January, 1996, from which date four-tier pay-scales were introduced, by submitting their options, within two months of the date of Notification. Petitioner did not exercise any option.

2. On and with effect from 1st January, 2005, Petitioner, on completion of four years service as Assistant Engineer, became entitled to be placed in higher scale of Rs. 10,025-15,100 in the four-tier pay-scales. A Notification, copy Annexure A-1, was issued on 14th July, 2004. Petitioner's name figured in this Notification, at Serial No. 15. The Notification said that he was entitled to the aforesaid pay-scale, w.e.f. 1st January, 2005. An order of fixation of pay was issued, in terms of aforesaid Annexure A-1. That order is Annexure R-3. Pay of the Petitioner, as on 1st January, 2005, was fixed at Rs. 12,750/-. This pay was one step higher than the pay which he was already getting. That means benefit of one increment had been given to him, while fixing his pay in the higher pay-scale of Rs. 10,025-15,100. His date of increment was 1st February and so w.e.f. 1st

February, 2005, his pay was further increased to Rs. 13,125/-, by adding one increment to his pay, which was fixed as on 1st January, 2005, vide Annexure R-3.

3. Petitioner submitted option, after the issuance of Annexure A-1, that his pay in the higher scale of Rs. 10,025-15,100 be fixed, w.e.f. 1st February, 2005, after he earned the increment in the lower pay-scale. That was rejected by the Respondents, on the ground that option was required to be exercised, within two months of the issue of Notification Annexure A-4. The date of issue of Annexure A-4 is 23rd June, 2000.

4. Petitioner has now approached this Court, with the prayer that direction be issued to the Respondents to fix his pay, in the aforesaid higher scale w.e.f. 1st February, 2005, as per his option Annexure A-2, which he exercised after the issue of order Annexure A-1, which is dated 14th July, 2004.

5. Respondents have opposed the prayer, on the same ground on which his (Petitioner's) representation was rejected.

6. I have heard learned Counsel for the Petitioner as also learned Assistant Advocate General and gone through the record.

7. Petitioner could not have exercised fresh option, on being granted higher scale in the four-tier pay-scale scheme introduced vide Annexure A-4, dated 23rd June, 2000. He could have exercised the option only once, in terms of Annexure A-4 and that option was to be exercised, within two months of the issue of the said Annexure. In any case, Petitioner does not appear to have been put to any monetary loss, on account of fixation of his pay in the higher pay-scale of Rs. 10,025-15,100 with effect from 1st January, 2005. His pay in the lower scale was Rs. 12,375/-, before 1st January, 2005. His next date of increment was 1st February, 2005. His pay was fixed at Rs. 12,750/- w.e.f. 1st January, 2005 or at one stage higher than the stage at which he had been drawing pay in the lower scale. He was given an increment, one month later, i.e. with effect from 1st February, 2005 and his pay was raised to Rs. 13,125/-. In case the Petitioner were to be fixed in the higher pay-scale w.e.f. 1st February, 2005, as intended by him, in that case also his pay in the lower scale would have been Rs. 12,750/- on 1st February, 2005 and while fixing his pay in the higher scale, benefit of only one increment could have been given to him and thus in that situation his pay was to be fixed at Rs. 13,125/-.

8. For the foregoing reasons, writ petition is dismissed.