
(2002) 07 SC CK 0064
In the Supreme Court Of India
Case No : 4010 Of 2002

State of Haryana and Others

APPELLANT

Vs

Jagroop Singh

RESPONDENT

Date of Decision : 12-07-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 95 FLR 201 : (2002) 6 JT 369 : (2002) 3 UPLBEC 2698

Hon'ble Judges : Ruma Pal, J;H. K. Sema, J;G. B. Pattanaik, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

1. Leave granted.

2. The State of Haryana is in appeal against the impugned judgment of Punjab and Haryana High Court. By the impugned judgment, the High Court has come to the conclusion that the respondent would be entitled to the higher scale of pay of Rs. 1200-2040 with effect from 1.1.1986, but added a rider that this will be restricted to 38 months preceding the filing of the writ petition. Be it be stated that the respondent was appointed as an assistant pump operator on 21.10.1985 in the pay scale of Rs. 400-600. After the recommendation of the 4th pay commission, he was given the scale of pay of Rs. 950-1500 with effect from 1.1.1986. There had been a lot of grievances and demand made by these categories of people before the government. Government ultimately somatically considered the representations received from several quarters and suggestions made by the different authorities and decided to modify the scale of pay in respect of some posts with effect from 1.5.1990. So far as the respondent is concerned, he was granted the pay scale of Rs. 1200-2040 with effect from 1.5.1990. The respondent approached the High Court claiming that he would be entitled to the aforesaid pay scale with effect from 1.1.1986, the date on which the 4th pay commission recommended the change of the earlier pay scale. The respondent, however, did not assail the legality of the notification issued by the

state government modifying the pay scale. The High Court is of the opinion that once the government takes a decision modifying the recommendation of the pay commission, it should relate back to the date on which the recommendation of the pay commission had been given effect to. In our view, the High Court was in error in coming to the aforesaid conclusion. The government on the basis of representations made and suggestions received as well as qualifications for different posts have modified the pay scale so far as the respondent's post is concerned to Rs. 1200-2040 with effect from 1.5.1990, and it appears that the recommendations in respect of all these posts were with effect from that particular date, namely 1.5.1990. We see no infirmity with that decision of the government requiring interference by the court in exercise of its discretionary jurisdiction under Article 226 of the Constitution, particularly when the respondent in the writ petition never assailed the legality of the aforesaid notification.

In these circumstances, we set aside the impugned judgment of the High Court and allow this appeal. We direct that the respondent would be entitled to higher pay scale with effect from 1.5.1990.