



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101+203

RSA-2143-2001 (O&M)

Date of Decision: February 14, 2025

State of Haryana and others

.....Appellant(s)

Vs.

Naresh Kumar

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Shivendra Swaroop, DAG, Haryana

Mr. Ajit Sihag, Advocate for the respondent.

SUDEEPTI SHARMA J. (ORAL)

CM-667-C-2025

The present application has been filed for listing and early hearing of the main Regular Second Appeal.

For the reasons mentioned in the application, which is duly supported by an affidavit, the same is *allowed* and the main Regular Second Appeal, is ordered to be taken on Board today itself with the consent of both the parties for hearing.

RSA-2143-2001

Vide the order dated 02.07.2001, execution of judgment and decree dated 31.03.2001 passed by Ld. Additional District Judge, Rohtak, was stayed by this Court.

2. The present appeal is preferred by the State of Haryana against the Judgment and decree dated 31.03.2001 passed by the Ld. First Appellate Court



RSA-2143-2001

(Ld. Additional District Judge, Rohtak), whereby the judgment and decree dated 31.07.2000 passed by Ld. Civil Judge (Jr. Division), Rohtak, is reversed.

BRIEF FACTS OF THE CASE

3. Brief facts of the case are that the respondent was working as an Artificer in the Irrigation Department in Vigilance Division at Canal Rest House, Rohtak from 01.05.1975 on regular basis and was drawing his pay in the Grade of 400-600 which was fixed in the Grade of 480-700 before 01.02.1981. The respondent was matriculate with 2 years Diploma in Carpentry from ITI, Rohtak. The Government issued the instructions vide their letter No.6/23/312/FD/86 dated 26.07.1991, as per which, the persons who had qualified matric with ITI Diploma/Certificate were entitled to pay scale of Rs.1200-2040. The respondent filed a civil suit for fixation of his pay according to instructions issued by Finance Department and also for grant of 2nd higher grade of Rs.1600-2600 from 01.05.1995. The civil suit filed by the respondent was dismissed by Ld. Civil Judge (Junior Division), Rohtak on 31.07.2000. He filed appeal against the judgment and decree dated 31.07.2000 which was allowed by Ld. Additional District Judge, Rohtak vide its judgment and decree dated 31.03.2001. Hence, the present Regular Second Appeal by the State of Haryana.

SUBMISSION OF LEARNED COUNSELS FOR THE PARTIES

4. Learned counsel for the appellant contends that Ld. Additional District Judge, Rohtak, has wrongly allowed the appeal filed by the respondent. He further contends that the Ld. First appellate Court did not appreciate the evidence on record while allowing the appeal of the respondent.



5. *Per contra*, learned counsel for the respondent contends that the appeal filed by the respondent has rightly been allowed by taking into consideration the evidence as well as documents on record.

6. I have heard learned counsel for the parties and perused the whole record of this case.

7. A perusal of the record shows that undisputedly, the respondent was appointed as an Artificer on 01.05.1975. He was getting scale of Rs.950-1500 as on 01.01.1986. On the basis of Financial Commissioner and Secretary to Government Haryana F.D. letter No.6/23/3PR/FD-88 dated 26.07.1991, he was granted the revised scale of 1200-2040 since he was matriculate with 2 year ITI diploma.

8. For proper adjudication of the case, it would be relevant to reproduce the relevant portion of letter dated 26.07.1991 of the Finance Department, which is part of the record.

“ FINANCE DEPARTMENT

GOVERNMENT OF HARYANA

Copy of letter No.6/23/3PR(FD)-08 Dated Chandigarh, the 26th July, 1991 from the Financial Commissioner & Secy. to Govt. Haryana, Finance Department to the All Heads of Departments etc:etc:

Subject: Revision of Pay Scales of Technical Posts

I am directed to invite your attention to the subject noted above and to say that the pay scales of some technical posts were revised as follows vide entry No. 40 in Annexure A of Govt. Instructions No.6/23/3PR(FD)-88 dated 23rd August, 1990:-



<i>Sr. No</i>	<i>Name of the Post</i>	<i>Existing pay scale as on 1.1.86</i>	<i>Modified scale of w.e.f. 1.5.90</i>
40	<i>General Recommendations regarding technical posts in various departments for which minimum Educational Qualification prescribed is matric with I.T.I. Certificate/Polytechnic</i>	<i>750-940 775-1025 800-1150 950-1400 950-1500</i>	<i>1200-2040 It has been decided that further recruitment of non-matric be stopped</i>

It has not been decided to modify the above entry as under:-

<i>Sr. No</i>	<i>Name of the Post</i>	<i>Existing pay scale as on 1.1.86</i>	<i>Modified scale of w.e.f. 1.5.1990</i>
40	<i>General Recommendations regarding technical posts in various departments for which minimum Educational Qualification prescribed is matric with I.T.I. Certificate/Polytechnic</i>	<i>750-940 775-1025 800-1150 950-1400 950-1500</i>	<i>1200-2040</i>

<i>Sr. No</i>	<i>Name of the Post</i>	<i>Existing pay scale as on 1.1.86</i>	<i>Modified scale of w.e.f. 1.5.90</i>
40(A)	<i>General Recommendations regarding technical posts in various departments for which minimum Educational Qualifications prescribed is only I.T.I. Certificate/ diploma from Polytechnic without insistence on matric</i>	<i>750-940 775-1025 800-1150 950-1400</i>	<i>950-1400</i>

The above shall take effect from 1.5.1990.

9. A perusal of the above referred to letter dated 26.07.1991 shows that the pay scales of some technical posts were revised vide Entry No.40 in Annexure 'A' of the Government Instructions dated 23.08.1990. As per the same, the respondent as on 01.01.1986 was getting pay scale of 950-1500 and



RSA-2143-2001

undisputedly his pay scale was modified w.e.f 01.05.1995 from 950-1500 to 1200-2040.

10. Further, it would also be relevant to reproduce the relevant portion of Higher Standard Pay scales w.e.f. 01.01.1994, which is also part of the record.

**“Chapter – 4B
Higher Standard Pay Scales
w.e.f.1.1.94**

1. Grant of Higher Standard Pay Scales to Group 'C' and 'D' Employees on completion of ten years or more and twenty years or more of regular satisfactory service.

(Copy of F. D. Hr. No. 1/34/93-4 PR(FD) Dt. 8.2.94)

I am directed to refer to the subject noted above and to say that in the past the State Government with a view to removing stagnation of its employees of Group 'C' and 'D' categories in the matter of pay, has been providing reliefs to them in shape of making the pay scales open-ended, granting additional increments at tenth and twentieth year point in the pay scale and grant of additional increments after eight and eighteen years service in a Group. Now in furtherance of that policy, the State Government after careful consideration have decided to grant time-bound higher standard pay scales to the Haryana Government employees of group 'C' and 'D' categories in replacement of the earlier scheme of additional increments after eight and eighteen years service contained in Haryana Government Finance Department letter No. 1/138/92-1PR(FD) dated 7.8.92.

2. *With effect from First January, 1994 or thereafter, as the case may be the grant of higher standard scale will be regulated as under:-*

(i) every employee of group 'C' and 'D' category who has not got any promotional scale/higher time scale/selection grade in his service career and has completed twenty years or more of regular satisfactory service before 1.1.94 will be allowed with effect from 1.1.1994 in place of his present pay scale the second higher standard pay scale specified in column 4 of the enclosed Annexure with respect to the pay scale of the post applicable from 1.1.1986.



An employee who completes such regular satisfactory service of twenty years after 1.1.1994 and has not got any promotion or promotional scale/higher time scale/selection grade in his service career will be allowed the afore-said second higher standard scale from first day of the month following the month in which he completes such service.

(ii) every employee of group 'C' or 'D' category who has not got any promotion or promotional scale/higher time scale/selection grade in his service career and has completed ten years or more but less than twenty years regular satisfactory-service before 1.1.1994 will be allowed with effect from 1.1.1994 in place of his present pay scale the fire higher standard scale specified in column 3 of the enclosed Annexure with respect to the pay scale of the post applicable from 1.1.1986 An employee who completes such regular satisfactory service of ten years after 1. 1. 1994 and has got no promotion or promotional scale/higher time scale/selection grade in his service career will be allowed the afore-said first higher standard scale from first day of the month following the month in which he completes such service.

(iii) every employee of Group 'C' or 'D' category who has completed twenty years or more of regular satisfactory service before 1. 1. 1994 but has got only one promotion or promotional scale/higher time scale/selection grade in his service career will be allowed with effect from 1. 1. 1994 in place of his present pay scale the first higher standard scale specified in column 3 of the enclosed Annexure with respect to the pay scale of the post applicable from First January, 1986. An employee who completes such regular satisfactory service of twenty years after 1. 1. 1994 but has got only one promotion or promotional scale/higher time scale/selection grade/higher standard scale in his service career will be allowed the afore-said first higher standard scale with effect



from first day of the month following the month in which he completes such service.

x x x x x x x

ANNEXURE

(Regarding grant of Higher Standard pay scales to Group 'C' and 'D' categories employees on completion of ten years or more and twenty years or more of regular satisfactory service contained in Haryana Govt. Finance Deptt. letter No. 1/34/934PR (FD) dated 8.2.94).

<i>Sr. No.</i>	<i>Pay Scale applicable from 1.1.1986</i>	<i>First Higher Standard pay Scale</i>	<i>Second/Higher Standard Pay scale</i>	<i>Remarks</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
1.	750-12-870-EB-14-940	*775-12-871-EB-14-1025	800-15-1010-EB-20-1150	
2.	775-12-955-EB-14-1025	800-15-1010-EB-20-1150	950-20-1150-EB-25-1400	
3.	800-15-1010-EB-20-1150	950-20-1150-EB-25-1400	1200-30-1560-EB-40-2040	
4.	950-20-1150-EB-25-1400	1200-30-1560-EB-40-2040	1400-40-1600-50-2300-EB-60-2600	
5.	950-20-1150-EB-25-1500	1200-30-1560-EB-40-2040	1400-40-1600-50-2300-EB-60-2600	
6.	975-25-1150-EB-30-1540	1200-30-1560-EB-40-2040	1400-40-1600-50-2300-EB-60-2600	
7.	975-25-1100-EB-30-1660	1200-30-1560-EB-40-2040	1400-40-1600-50-2300-EB-60-2600	
8.	950-25-1200-30-1560-40-1800 (initial 1000/-)	1200-30-1560-EB-40-2040	1400-40-1600-50-2300-EB-60-2600	
9.	1150-25-1500	1200-30-1560-EB-40-2040	1400-40-1600-50-2300-EB-60-2600	
10.	1200-30-1560-EB-40-2040	1400-40-1600-50-2300-EB-60-2600	1600-50-2300-EB-60-2660	
11.	1320-30-1560-40-2040	1400-40-1600-50-2300-EB-60-2600	1600-50-2300-EB-60-2660	
12.	1350-30-1440-40-1800-EB-50-2200	1400-40-1600-50-2300-EB-60-2600	1600-50-2300-EB-60-2660	
13.	1400-40-1800-EB-50-2300	1600-50-2300-EB-60-2660	1640-60-2600-EB-75-2900	
14.	1400-40-1600-50-2300-EB-60-2600	1600-50-2300-EB-60-2660	1640-60-2600-EB-75-2900	
15.	1600-50-2300-EB-60-2660	1640-60-2600-EB-75-2900	2000-60-2300-EB-75-3200	
16.	1640-60-2600-EB-75-2900	2000-60-2300-EB-75-3200	2000-60-2300-75-2900-EB-100-3500	
17.	2000-60-2300-EB-75-3200	2000-60-2300-75-2900-EB-100-3500	2000-60-2300-75-2900-EB-100-3500	
18.	2000-60-2300-75	No change	No change	



2900-EB-100-3500

** As amended vide F.D.Hr. No.1/34/934-PR(FD) dt.15.12.94*

11. As per the above referred to document i.e. Higher Standard Pay Scale w.e.f. 01.01.1994, the Government employee who completes such regular satisfactory service of 20 years after 01.01.1994 but has got only one promotion or promotional scale/selection grade/higher standard scale in his service career, was allowed the first higher Standard Scale w.e.f Ist day of the month following the month in which he completes such service. Undisputedly, the respondent was already granted revised time scale of Rs.1200-2040 w.e.f. 01.5.1995 on completion of 20 years regular satisfactory service on the basis of pay scale applicable on 01.01.1986. Further the respondent filed civil suit claiming pay scale of Rs.1600-2600 as referred to in Sr. No.10 of above referred to document regrading the higher pay scale w.e.f. 01.09.1994 which is apparently misreading of the document on record.

12. A bare reading of the above referred to two documents which are on record show that the same are misread by Ld. First Appellate Court since a combined reading of both the documents show that as per letter dated 26.07.1991, the pay scale of the respondent as on 01.01.1986 was 950-1500 which was modified w.e.f 01.5.1990 to 1200-2040 meaning thereby i.e. as on 01.1.1986 the respondent was getting the pay scale of Rs.950-1500.

13. A perusal of the above referred to document dated 08.02.1994 shows that w.e.f. 01.1.1994 or thereafter, as the case may be the grant of higher standard scale will be regulated as per the enclosed Annexure attached with document dated 08.02.1994.



The first column of the enclosed Annexure shows that it is regarding the pay scale applicable from 01.1.1986 and Sr. No.5 of the same shows the pay scale of 950-1500 is applicable from 1-1-1986 corresponding to which First Higher Standard Pay Scale is 1200-2040 and Second Higher Standard Pay Scale is 1400-2600. Undisputedly, the pay scale of the respondent was 950-1500 as on 01.1.1986 which is at Sr. No.5 in the above referred annexures. Ld. First appellate Court has taken it to be as per Sr. No.10 whereby the pay scale applicable from 1.1.1986 is 1200-2040 which is totally against the service record of the respondent. Admittedly, as per the record, the pay scale of the respondent as on 1.1.1986 was 950-1500, therefore, the respondent would be entitled to the Second Higher Standard Pay Scale of Rs.1400-2600 and not 1600-2660.

14. In view of the above, the judgment and decree dated 31.03.2001 passed by Ld. First Appellate Court (Ld. Additional District Judge, Rohtak) is liable to be set aside. Therefore, the present appeal is allowed and judgment and decree dated 31.03.2001 passed by Ld. Additional District Judge, Rohtak is set aside. Both the parties are left to bear their own costs.

15. Decree sheet be drawn.

16. All the pending applications also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

February 14, 2025
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Whether speaking/reasoned: Speaking
Whether reportable Yes / No