

2025:PHHC:007486



CWP No.10686 of 1999(O&amp;M)

Date of Decision: 20.01.2025

**Dhuna Ram and others****....Petitioners**

vs.

**State of Haryana and others****....Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**Present: Mr. M.S.Joshi, Advocate  
for the petitioners

Mr. Raman Sharma, Addl. A.G., Haryana

Mr. Nischal Chetanya Manchanda, Advocate for  
Mr. Jagdish Manchanda, Advocate  
for respondent No. 6

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**JAGMOHAN BANSAL, J. (ORAL)**

1. The petitioners are Ex-Safai Mazdoors of Municipal Committee, Cheeka, District Kaithal. They approached this Court by way of CWP No. 14608 of 1998 with a prayer to direct the respondents to treat them at par in the matter of pay scale with Safai Mazdoors serving in the Departments of State of Haryana.

2. During the pendency of said petition, the respondents extended benefit of revised pay scale with effect from 01.04.1999. The said petition came to be disposed of vide order dated 02.06.1999 with liberty to petitioners to file a fresh petition to press their claim for the grant of revised pay scale with effect from 01.01.1996.



3. The petitioners through instant petition are claiming revised pay scale with effect from 01.01.1996. During the pendency of this petition, the petitioners moved CM No. 897 of 2000 seeking stay of recovery of excess payment. By order dated 19.03.2001, the respondents were restrained from effecting recovery of the excess amount paid to the petitioners till the decision of writ petition. The order dated 19.03.2001 is reproduced as below:-

*“The petitioners, invoking the extra-ordinary jurisdiction of this Court under Articles 226/227 of the Constitution of India pray for issuance of a writ quashing the letter dated May 10, 1999 Annexure P-5 vide which the respondents granted the revised pay scale to the petitioners with effect from 1.4.1999 than from 1.1.1996 as already given to them.*

*As per rule 14 of the Safai Mazdoors Service Rules, 1976 (in short the Rules), the petitioners who are working as safai mazdoors with the respondents, are entitled to such pay and allowances as may, from time to time, be admissible to them in the service of the State Government and the procedure for payment of pay allowances is laid down in Appendix I of the Rules. A resolution Annexure P-3 was passed whereby the “ safai mazdoors” were given the revised pay scale as per the Fifth Pay Commission's recommendations by virtue of Rule 14 at par with the Haryana Government employees with effect from June, 1998. The respondents later on issued letter Annexure P-5 vide which it was decided to grant revised pay scale to the petitioner with effect from 1.4.1999 as specified in the schedule appended thereto, which is under challenge in this Civil Writ Petition. On the basis of letter Annexure P-5, the respondents started recovering the amount paid in excess to the petitioners. By way of filing this application, the petitioner*



therefore, pray that the respondents be restrained from recovering the amount.

Mr. Jagdish Manchanda, learned counsel for respondent no. 6 contended that the respondent is within its right to recover the excess amount by virtue of letter Annexure P-5 as well as an undertaking given by the petitioners that in case any excess payment as a result of incorrect fixation of pay is found, it will be refunded either by adjustment of future payment due to them or otherwise.

The aforesaid undertaking given by the petitioners is not the deciding factor. The balance of convenience is in their favour. In view of the facts and circumstances of the case, this C.M. is allowed. The respondents are restrained from effecting recovery of the excess amount paid to the petitioners till the decision of this writ petition. However, as per the undertaking given by the petitioner, the respondents will be at liberty to deduct the excess amount by way of adjustment against future payments due to the petitioners, in the event of the petitioner's failure to establish their case."

4. Counsel for the parties are unable to dispute the fact that revised pay scale stands paid with effect from 01.04.1999 and they have no instructions with respect to present status of the petitioners as well as payment w.e.f. 01.01.1996.

5. In the backdrop, the petition stands disposed of and order dated 19.03.2001 is made absolute.

6. Pending Misc. application(s), if any, shall stand disposed of.

20.01.2025  
paramjit

(JAGMOHAN BANSAL)  
JUDGE

Whether speaking/reasoned:	Yes	
Whether reportable:		No