



(114)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA-518-2025 (O&M)

Date of decision:- 19.02.2025

Charanjeet Karwal and others

...Appellant(s)

Versus

The State of Haryana and others

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE**
HON'BLE MR. JUSTICE H.S. GREWAL

Present:- Mr. Satya Vir Singh Yadav, Advocate,
for the appellants.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

Ms. Divya Sharma, Advocate,
for respondents No. 3 to 9.

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SHEEL NAGU, C.J. (ORAL)

1. This appeal is directed against the order dated 14.01.2025 passed by the learned Single Judge in a bunch of petitions lead case being CWP-11142-2021 filed by the petitioners (some of the appellants herein), wherein challenge made to the letter dated 30.03.2021 (Annexure P-11) has been repelled by upholding the decision of the State of Haryana with regard to withdrawal of undue benefit of one increment given to the appellants. However, while disposing of the petition, the learned Single Judge has restrained the authorities from recovering the excess amount of salary received by the appellants on account of grant of the said increment.

2. We have heard learned counsel for the parties at length.

3. The crux of the matter appears to be that the Shetty Pay Commission made certain recommendations which were given effect to

initially from 23.07.2005 (which was later revised by the Apex Court to 01.04.2003).

4. The relevant recommendations of the Shetty Pay Commission, which relate to the issue involved, are to the following extent:-

“I. Taking into consideration the aforesaid views of the High Courts, District Judges and IIT, Delhi, we make the following recommendations:

(a) All ministerial staff, other than those to whom we have recommended higher pay scales elsewhere, be granted one increment at the initial rate of the existing pay scale admissible to the respective post and/or time bound promotion pay scale, if any

(b) The new entrants shall be started at one stage above the minimum of the pay scale admissible to the post.

(c) Those employees who have reached stagnation shall be granted similar benefit i.e. one increment at the initial rate of the pay scale admissible to the post he/she is holding, even though it is outside the upper limit of the pay scale.”

“OUR RECOMMENDATIONS:

1) Clerks: We consider that the request for grant of higher pay scale to Clerks is reasonable. We notice that in most of the States where the qualification of graduation has been prescribed for entry level posts like UDC, higher pay scale has been given. In Central Government the pay scale given to UDCs is Rs.4000-6000.

Keeping in view the fact that the nature of work performed by the Clerks in the Subordinate Judiciary is quite distinct and more important and also having considered the justification given by the High Court, we recommend the pay scale of Rs.4000-100 4800-EB-1000-6000 to Graduate Clerks in the Courts.

2. Having regard to the views expressed by the High Court and for reasons stated in Chapter - VII, we recommend that holders of the following common category posts in the Ministerial cadres, other than to whom we have recommended higher pay scales in other Chapters, be given one increment at the initial rate of the pay scale admissible to them.”

5. Pursuant to the aforesaid recommendations of the Shetty Pay Commission, the State of Haryana vide letter dated 03.08.2005 (Annexure P-3) modified/revised the pay scales of various categories of non-Judicial staff of Subordinate Courts in the State of Haryana with effect from 01.08.2005, *inter-alia*, in the following manner:-

Sr. No.	Name of Post	Present Pay Scale	Modified Pay Scale
1.	<u>Stenographer</u> Grade-I (Court of Distt. & Sessions Judge) Grade-II (Court of Civil Judge (Sr. Div.)) Grade-III (Court of Civil Judge (Jr. Div.))	Rs. 5500-9000 Rs. 5000-7850 Rs. 3050-4590	Rs. 6500-10500 Rs. 5500-9000 Rs. 4000-6000
2.	<u>Superintendent</u> Class-1/Group-A	Rs. 6500-10500	Rs. 8000-13500
3.	Clerk	Rs. 3050-4590	Rs. 4000-6000 to Graduate Clerks in the Courts.
4.	All Ministerial staff (common category posts) other than those to whom higher pay scale has been granted vide this order/letter.	Rs. 5000-7850 & Rs. 5500-9000	The benefit of one increment at the initial rate be provided to the new entrants to the service.

6. The appellants were recruited and appointed sometime in 2006 and were granted the revised pay scale of Rs. 4000-6000 being Graduate Clerks, since by that time, the Shetty Pay Commission's recommendations had been made effective leading to revision of pay scale of Rs. 3050-4590 to Rs. 4000-6000, for Graduate Clerks (of the like of petitioners).

7. The Shetty Pay Commission also provided for another benefit of one increment at the initial rate to new entrants to the service. However, this benefit of one increment was not available to the category of Ministerial Staff including Clerks and Graduate Clerks for whom separate higher pay scales were recommended and granted. Thus, the appellants who had benefited by receipt of revised pay scale of Rs. 4000-6000, being Graduate Clerks, were

obviously excluded from the said category and, thus, were not entitled for grant of one increment at the initial rate.

8. However, due to mistake or oversight or mis-interpretation of the recommendations of the Shetty Pay Commission, the appellants were extended the benefit of one increment pursuant to an order dated 25.01.2018 (Annexure P-8) passed by learned Single Judge in CWP-14750-2015 titled *Om Parkash and others Vs State of Haryana and others* where, while dealing with somewhat similar matter, it was directed thus:-

“Accordingly, communication dated 19/20.10.2011 (annexure P-5), 14.03.2013 and 12.09.2013 are set aside. Concerned respondent is hereby directed to extend the benefit of annual increment with reference to the State Services Rules as and when it was/is due to each or the petitioner further, refix their pay and so also calculate arrears of pay and disburse the same within a period of four months from today.

At this stage, learned counsel for the petitioners submitted that some of the petitioners have not been extended the benefit of Shetty Pay Commission increment. In that event if those petitioners approaches concerned respondent, concerned respondent is hereby directed to verify whether such a those petitioners are entitled to Shetty Pay Commission increment or not if they are otherwise eligible increment shall be extended and monetary benefits shall be disbursed within the time limit stipulated above.”

9. From a bare reading of the aforesaid order of the learned Single Judge, it is obvious that the direction passed in the said case by the learned Single Judge was to grant one increment, provided such similarly placed persons were entitled for the same as per the recommendations of Shetty Pay Commission. Thus, the learned Single Judge left it for the competent authority under the State to decide as regards the entitlement of similarly placed persons to the benefit of one increment at initial rate.

10. After the appellants were extended the benefit of the said increment, which was not due to them, the State realized its mistake and passed the order dated 30.03.2021 (Annexure P-11) which was based upon recommendation of the Committee headed by the Additional Chief Secretary to Government, Haryana, Administration of Justice Department and included the representative of the High Court among others.

11. The relevant extract of the recommendation made by the said Committee on 28.01.2021 is reproduced hereunder for ready reference and convenience:-

“Shri T.V S N. Prasad, IAS, ACS, Finance Department stated that the Finance department would re-examine the entire matter including instructions/advice issued from time to time in the matter and also the issue of grant/non-grant of same benefit to the Stenographers posted in the subordinate Courts. Thereafter, the revised instructions/advice strictly in consonance with the recommendations of Shetty commission would be issued, so as to remove the conflict in the grant/non grant of above said benefit to the employees as per their eligibility in all the Sessions Divisions. He also submitted that the issue of advance increment and additional increment would also be examined and appropriate recourse including filing of appeal in CWP No. 14750 of 2015 would be taken, if so required.

Accordingly, it was unanimously decided that the Finance Department shall take appropriate action and shall issue the necessary advice/instructions on priority basis so that a uniform decision may be made applicable to remove the conflict and the response on behalf of the State may be filed in the Court cases.

Meeting ended with the vote of thanks.

Sd/-

*Secretary to Government, Haryana,
Home-II”*

12. On the basis of aforesaid analysis of the factual matrix involved, this Court is of the considered view that the learned Single Judge has rightly assessed the issue and has come to the correct conclusion that the benefit of one increment at initial rate is not admissible to those Graduate Clerks (of the like of petitioners) who have received the benefit of revised pay scale of Rs. 4000-6000.

13. In view of the above, no case for interference is made out.

14. The appeal, accordingly, stands dismissed sans cost.

**(SHEEL NAGU)
CHIEF JUSTICE**

**(H.S. GREWAL)
JUDGE**

19.02.2025

Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No