CWP No.12583 of 2002

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

> CWP No.12583 of 2002 (O&M) **Date of decision: 08.05.2019**

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R.S. Khanna and others ....Petitioners

Versus

The State of Harvana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Umesh Narang, Advocate for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

B.S. WALIA, J (ORAL)

1. Prayer in the instant writ petition is for the issuance of writ of

certiorari to quash the deduction/cut ordered vide the offending parts of

paragraph Nos.3 and 4 of Annexure P-3 in respect of the ad hoc relief allegedly

paid in excess as also to strike down the offending part of the definition of the

terms existing emoluments with regard to "minus excess payment of adhoc

relief" as contained in Rule 3(d) (ii) of the Haryana Civil Service (Revised Scale

of Pay) Rules, 1980. Prayer is also for the issuance of a writ of Mandamus

directing the respondents to restore the deduction made from the payment of

additional dearness allowance w.e.f 1.5.1973 as also to restore the deduction

made from the payment of additional dearness allowance. Prayer is also for

issuance of a writ of Mandamus commanding the respondents to refix the pay

and pension of the petitioners in the revised scales as introduced w.e.f. 1.4.1979,

1.1.1986 and 1.1.1996 after restoring the deduction/cut of alleged excess

payment of ad hoc relief and after inviting fresh options from the petitioners.

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Lastly, prayer is to direct the respondents to pay to the petitioners the arrears of

pay/pension accruing due to the restoration of the cut/deduction alongwith

interest @ 18%.

2. Learned counsel appearing on behalf of the petitioners contends

that the claims in the writ petition are covered by the decision of a Division

Bench of this Court in CWP No.4518 of 2000 in case titled as 'R.K. Gupta and

others versus State of Haryana and others' which in turn was allowed in the light

of the decision in CWP No.16084 of 1997 in case titled as 'Dharam Pal Singh

versus State of Haryana and others' and decision of Hon'ble the Supreme Court

in Civil Appeal No.8661 of 2009 in case titled as 'State of Haryana and others

versus R.K. Gupta and others'.

3. Learned Senior Deputy Advocate General, Haryana contends that

the writ petition is liable to be allowed as the petitioners are entitled to the

benefits as allowed in the decision referred to above.

4. The same satisfies learned counsel for the petitioners.

5. In view of the statement of learned counsel for the parties, the writ

petition is allowed. The petitioners are held entitled to the benefits as per the

decision in R.K. Gupta's case (supra) as referred to above.

(B.S. WALIA) JUDGE

May 08, 2019 ps

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No