

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).5881 of 2011

STATE OF HARYANA & ORS.

Appellant(s)

VERSUS

OM PARKASH GROVER

Respondent(s)

O R D E R

The respondent was promoted to the post of Deputy superintendent in the Animal Husbandry Department from the post of Assistant in March, 1996. He was put in a lower pay scale as he was not permitted to exercise his option in view of the explanation 2 of Rule 5 to the Haryana Civil Services (Revised Pay) Rules, 1998.

The relevant portion of explanation 2 of Rule 5 is reproduced as under:

"Aforesaid option shall not be admissible to any person appointed to a post on or after the first day of January, 1996 whether for the first time in government service or by transfer or promotion from another post and he shall be allowed pay only in the revised scale."

The respondent also failed to comply with the

letter dated 17.9.1998 of the Haryana Government Finance Department by submitting his option before 31.12.1996.

A representation was preferred by the respondent on 13.3.2001 requesting for dispensing with Explanation 2 of Rule 5 of the Rules till 01.04.1997 was rejected by the Director, Animal Husbandry Department vide order dated 01.01.2002.

Aggrieved by the said rejection order dated 01.01.2002, the respondent filed a Writ Petition in the High Court of Punjab and Haryana at Chandigarh. The Writ Petition was disposed of with a direction to the appellant-State to permit the respondent to opt for the revised pay scale. There was a further direction to give him revised pay scale. While disposing of the Writ Petition, the High Court observed that in spite of several adjournments, the appellants did not file a counter.

We are informed that the respondent has retired on attaining the age of superannuation in 2006. We are not inclined to interfere with the judgment of the High Court at this stage, especially after the retirement of the respondent more than 12 years back. The appellant is directed to implement the direction issued by the High Court within a period of eight weeks.

The appeal is disposed of, accordingly.
Pending application(s), if any, stand disposed of.

..... J.
(L.NAGESWARA RAO)

..... J.
(M.R.SHAH)

New Delhi;
March 07, 2019.

ITEM NO.103

COURT NO.13

SECTION IV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).5881/2011

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Date : 07-03-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s)

Mr. Gautam Sharma, Adv.
Mr. Abhishek Kumar, Adv.
Dr. Monika Gusain, Adv.
Mr. Kamal Mohan Gupta, AOR

For Respondent(s)

Mr. Deepak Goel, AOR

UPON hearing the counsel the Court made the following
O R D E RThe appeal is disposed of in terms of the
signed order.(B.Parvathi)
Court Master(Kailash Chander)
Assistant Registrar

(Signed order is placed on the file)