

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

Petition(s) for Special Leave to Appeal (Civil) No.7463/2000

(From the judgement and order dated 23/09/1999 in CWP 18043/98
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

STATE OF HARYANA & ORS

Petitioner (s)

VERSUS

ISHWAR SINGH & ORS

Respondent (s)

(With prayer for interim relief)

Date : 20/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M. JAGANNADHA RAO
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr.Neeraj Kumar Jain,Adv.
Mr. Mahabir Singh,Adv.

For Respondent (s) Mr.ND Achint,Adv.
Mr.Dinesh Varma,Adv.
Ms.Suresh Kumari,Adv.
Mr. A.P. Mohanty,Adv.

UPON hearing counsel the Court made the following
O R D E R

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Leave granted. The appeal is allowed with no
order as to costs.

(Usha Bhardwaj)
P.S. to Registrar

(D.D.Jindal)
Court Master

The signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2000@@
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(Arising out of SLP(Civil) No.7463 of 2000)

State of Haryana & Ors.Appellants

versus

Ishwar Singh & Ors.Respondents

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Special leave granted.

This is an appeal by the State of Haryana against the judgment of the High Court of Punjab and Haryana dated 23.9.99 in CWP No.18043/98. The parity in pay was granted to the doctors/respondents category alongwith Executive Branch, by an order dated 2.6.89 and when Selection Grade posts were also sanctioned at par with the Executive Branch. The order unfortunately did not mention that the Selection Grade posts were restricted to 20% of the posts. This mistake was, however, rectified by an order dated 16.5.90 of the Government with retrospective effect 1.5.89. The High Court has now held that Selection Grade is to be granted without restriction to 20% of the posts in the particular cadre.

It is well known that in every department ..2/-

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Selection Grade is restricted to certain percentage of the posts such as 20% in the present case. So merely because the percentage was not mentioned in the earlier order dated 2.6.89, the High Court could not have awarded Selection Grade to every member in the cadre. The High Court should have seen that the mistake in the order dated 2.6.89 was rectified. We therefore, allow the appeal and set aside the order of the High Court and direct that the Selection Grade scale of Rs.4100-5300/- will be restricted to 20% of the posts in the cadre as provided in the clarification dated 16.5.90.

The appeal is allowed accordingly. There shall be no order as to costs.

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.....J.
(M. Jagannadha Rao)

New Delhi,
November 20, 2000

.....J.
(K.G. Balakrishnan)