

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 1930 OF 2003

STATE OF HARYANA & ORS.

Appellant (s)

VERSUS

HARISH KUMAR & ORS.

Respondent(s)

(With office report )

Date: 22/02/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Appellant(s)

Mr. Chitranjan Singh, Adv.

Mr. Manjeet Singh, Adv.

Mr. Harikesh Singh, Adv.

Mr.T.V.George, Adv.

For Respondent(s) Mr. Raj Kumar Mehta, Adv.

UPON hearing counsel the Court made the following

O R D E R

The Appeal is dismissed in terms of the signed  
order with no order as to costs.

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aster

(K.K. Chawla)  
Court Master

(Radha R.  
Court M

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

CIVIL APPEAL NO.1930 of 2003

STATE OF HARYANA & ORS.

Appellant (s)

VERSUS

HARISH KUMAR & ORS.

Respondent(s)

O R D E R

We have perused the record and heard the learned  
counsel on both sides.

The only question involved in the Writ Petition  
whether filed before the High Court was:  
the

Petitioners, who were working on the posts of Sectional

Officer  
(Civil),

(Mechanical),

Sectional

Officer

Blasting Supervisor, Supervisor (Biogas) and Drilling

In-charge, were entitled to claim pay parity with their

counterparts in the same cadre working as Junior

Engineers in the Agriculture Department. When the Writ

Petition was being heard, the High Court by an order

made on 4th December, 1999 directed the State Government

to form a High Powered Committee to go into the question

of parity of the pay scales. Such a Committee was

constituted by the State Government and went into the

issue threadbare. A report was made by the Committee to

the State Government which resulted in the order of

State Government dated 23rd December, 1999 by which the

Appellant State Government accepted the plea of the

Respondents-Employees that they were entitled to parity

in pay-scales.

The only question urged before the High Court was

with regard to the date from which the revised pay-

scales were to be made applicable to the Respondents-  
Employees. While the State Government insisted that  
such revised pay-scale should be made effective only  
from 1.1.1996, the Respondents-Employees were seeking  
the revision of the pay-scales from 1.1.1992, which was  
the date on which the revised pay-scales were made  
admissible to the Junior Engineers with whom the parity  
has been established.

After hearing the parties, the High Court by the  
impugned Judgment directed that such parity shall be  
made effective from the same date i.e. from 1.1.1992,  
but restricted the payment of arrears to the period of  
three years and two months immediately preceding the  
date of filing the Writ Petition. In other words the  
financial implication is that arrears have to be paid  
from 3.2.1995 for 11 months. We do not think that there  
was any material placed before the High Court to come to

any other decision, nor is there any material placed before us to persuade us that the payment of arrears for 11 months is such heavy financial liability that the State Government is utterly incapable of bearing.

In the circumstances, we are satisfied that justice has been done. There is no need for us to interfere in exercise of our powers under Article 136 of the Constitution. The Appeal is dismissed with no order as to costs.

.....J.  
(B.N. Srikrishna)

.....J.  
(Lokeshwar Singh Pant)

New Delhi;

February 22, 2006.