

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 160 of 1998@@
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Haryana Remote Sensing ...Appellant (s)
Application Centre & Ors.

Versus

Dr. Ramesh Singh Hooda & Anr. ...Respondent(s)

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This appeal is directed against the judgment of the Punjab & Haryana High Court. The respondent who was a substantive Assistant Scientist in the pay-scale of Rs.2200-4000, was appointed in October, 1991 as Senior Scientist with specific stipulation that he would get a sum of Rs.2650, even though the scale of pay for Senior Scientist was Rs.3000-5000. It was stipulated further in the appointment letter that after two years, the question of his regular selection will depend upon the efficient discharge of his duties in the post of Senior Scientist. On 15.4.1994, the respondent was appointed as Senior Scientist on regular basis.

Thereafter, he approached the High Court claiming that he was entitled to the pay scale of Rs. 3000-5000 since the inception of his appointment as Senior Scientist w.e.f. 21.10.1991, inasmuch as he had discharged his duties as Senior Scientist. The High Court by the impugned judgment having granted the scale of pay of Rs.3000-5000 w.e.f. 21st October 1991, the Management is in appeal. Mr. D.K.Garg, learned

-2-

counsel for the appellant contended that the original appointment of the respondent was merely to remain in charge of the post of Senior Scientist and the appointment itself unequivocally indicated that he will get a pay of Rs.2650/- and not the regular scale of pay i.e. Rs.3000-5000 and having accepted the said offer given by the Management, it was not open for the respondent to claim any higher scale of pay.

Though there is some force in the aforesaid contention, but having regard to the fact that the respondent did discharge the duties of a Senior Scientist and the High Court has granted him the scale of pay meant for that post and the financial involvement is not much, we are not inclined to interfere with the impugned judgment in exercise of power under Article 136 of the Constitution.

This appeal stands disposed of accordingly.

(Signed order is placed on the file)