

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

CWP-12808 of 2011(O&M)
Date of decision : 23.07.2015

Santosh Kumari and ors.

...Petitioners

V/S

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. A. K. Walia, Advocate for the petitioner

Mr. Luvinder Sofat, AAG, Punjab

Mr. H. K. Aurora, Advocate for the respondent No.3

JITENDRA CHAUHAN, J. (Oral)

This civil writ petition has been filed under Articles 226 and 227 of the Constitution of India for issuance of directions to the respondents to immediately grant the revised pay scales as mentioned in Annexure P-3 to the petitioners with effect from 01.01.1986 along with all consequential benefits including refixation of pay, payment of arrears of pay and allowances and further revision of pension etc. along with interest @12% per annum from the due date till the date of actual payment.

The petitioner joined the services with respondent No.4

which is being run and controlled by respondent No.3. It is asserted that vide Annexure P-2/T, the approval had been granted in terms of Proceeding Book 193 Item No.14. The issuance of new revised pay scale i.e. Rs. 2000-3500 of the Head Mistress applicable from 01.01.86 and Rs.1640-2925 (50%) 1800-3200 (50%) applicable from 13.05.91, under the Municipal Council, Mansa had been sanctioned by the government vide letter dated 18.05.1992 on the basis of recommendations of the 3rd Punjab Pay Commission. The above proposal was unanimously passed to accord approval for the grant of revised pay scale to the employees of Municipal Committee's Industrial Training School as per government letter and in accordance with the rule. It was resolved that the aforesaid pay scales be made applicable as per the government instructions.

It is asserted that despite the petitioners being entitled to the benefit, that has accrued to them, after passing of the resolution Annexure P-2/T by the Municipal Council, Mansa, the petitioners are not being paid the salary as per their entitlement i.e. pay scale of Rs.2000-3500/- of petitioner No.1 and pay scale of Rs.1800-3200/- of the petitioner Nos.2 to 6 w.e.f. 01.01.1986, instead they are being paid w.e.f. 13.05.1991.

He further states that the case of the petitioner is squarely covered by the judgment passed by this Court in CWP No.15980 of

1991 titled as **Seetal Kaur and others VS. State of Punjab and another**, decided on 11.05.2009 (Annexure P-4) whereby on the basis of recommendations of the Pay Anomaly Committee, the anomalies in the pay scale were removed and the respondents were directed to implement the letter dated 20.03.1998 (Annexure P-5) uniformly to the Junior Instructors working in the Industrial Schools as in the case of Craft Instructors.

On the other hand, the learned counsel for the respondents has graciously made a statement that so far as petitioner Nos.1 and 2 are concerned, they are entitled to the pay scale prayed for, by the petitioners w.e.f. 01.01.1986. The petitioner No.1 was initially appointed as Craft Teacher on 21.09.1973 whereas, petitioner No.2 was appointed on the same post on 14.12.1984. The petitioner No.1 was subsequently promoted to the post of Head Mistress whereas petitioner No.2 was promoted as Instructress. Therefore, they are entitled to the pay scale as per Annexure P-2/T. No resistance has been offered by the learned counsel for the respondents so far the factual aspect of the case is concerned.

He further states that the petitioner Nos.3 to 6 could not be granted the pay scale from the date claimed in the petition as they joined much after the passing of the resolution (Annexure P-2/T).

Keeping in view the fact that the controversy set out by the

petitioners is no longer res integra as the same stands settled by the judgment passed in Seetal Kaur's case (supra) (Annexure P-4), the respondents are directed to grant the relief strictly in terms of letter No.19740-46 dated 18.05.1992 (Annexure P-3/T) issued by the Director, Technical Education and Industrial Training, Punjab to the petitioner Nos.1 and 2 w.e.f. 01.01.1986 and the monetary benefits of rest of the petitioners be released from the date of their joining, within eight weeks from the receipt of certified copy of this order.

However, the learned counsel for the respondent No.3 states that if the relief stands already granted to the petitioners, the matter may be treated as infructuous.

Disposed of with the above observations.

23.07.2015

ashok

(JITENDRA CHAUHAN)
JUDGE