

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 15763 of 2013

Date of Decision : July 28, 2015

Rajdeep Singh Petitioner

Vs.

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Sherry K. Singla, Advocate
for the petitioner.

Ms. Minakshi Goel, AAG, Punjab
for the respondents.

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DEEPAK SIBAL, J. :

On 03.04.2003, the petitioner was appointed as Work Supervisor in the office of Municipal Corporation, Bathinda (hereinafter referred to as – the Corporation) in the pay scale of ₹ 3120-5160. According to the petitioner, there was an anomaly with regard to his placement in the above scale as all other Work Supervisors working in other Municipal Corporations of the State of Punjab had been granted the pay scale of

₹ 5000-8100 w.e.f. 01.01.1996, as revised from time to time. Seeking correction of such anomaly, the petitioner has approached this Court through the present writ petition.

It is not disputed that Rajesh Kumar and Gurcharan Singh, who were also, like the petitioner, working as Work Supervisors in the respondent Corporation, had approached this Court for similar relief through **C. W. P. No. 7185 of 2012** and **C. W. P. No. 7304 of 2012** respectively. Vide order dated 23.04.2012, the above said writ petitions were disposed of by this Court directing the respondent State of Punjab to dispose of the representations made by the petitioners therein with regard to the relief claimed by them in the writ petitions filed. While deciding their representations, vide order dated 05.09.2012, passed by the State, Rajesh Kumar and Gurcharan Singh were ordered to be placed in the pay scale of ₹ 5000-8100. However, no arrears were paid to them.

It is further not disputed that some other Work Supervisors, who were also working in the respondent Corporation, had, prior to the above referred writ petitions filed by Rajesh Kumar and Gurcharan Singh, approached this Court through **C. W. P. No. 15419 of 2001 – Jagdev Singh and others vs. State of Punjab and others**, claiming the same relief, as being sought for by the petitioner. When, through order dated 05.09.2012, Rajesh Kumar and Gurcharan Singh were ordered to be placed in the pay scale of ₹ 5000-8100, Civil Miscellaneous Applications being **C. M.**

Nos.13275-76 of 2012 were filed in C. W. P. No. 15419 of 2001 seeking disposal of the writ petition in view of the relief granted by the State of Punjab to Rajesh Kumar and Gurcharan Singh. In the above referred applications, on 18.12.2012, this Court was pleased to pass the following order :-

“Learned counsel for the petitioners submitted that the petitioners are working on the post of work supervisors- sanitary supervisors in Municipal Corporation, Bathinda. Though the other similarly situated employees have been granted the pay scales of ₹ 1500-2640 from 01.01.1986 and revised pay scales of ₹ 5000-8100 from 01.01.1996 but the petitioners have been denied the same benefit. The aforesaid scales to the other employees were granted vide order dated 05.09.2012 passed by the Secretary, Department of Local Government, Punjab, in view of a direction given by this Court in writ petitions filed by other work supervisors working in the Municipal

Corporation, Bathinda, in the year 2012.

The petitioners had filed the present writ petition in the year 2001 and had been working on the posts since 1992 and 1995.

The other employees who had approached this Court in the year 2012 have been directed to be paid the enhanced pay scales with effect from the date of order passed by the Government. As the petitioners had approached this Court in the year 2001, they are entitled to the arrears as well up to the period of 38 months from the date of filing of the writ petition.

Let the cases of the petitioners be also examined by the Government and the order passed thereon be placed before the Court before the next date of hearing.

Adjourned to 28.01.2013.”

A perusal of the above quoted order shows that the petitioners therein were not only ordered to be placed in the enhanced pay scales but had also been held entitled to arrears for the period of 38 months prior to the date of filing of the writ petition.

In pursuance to the above reproduced order, the State of Punjab not only granted those petitioners the enhanced pay scales but also paid to them the arrears for a period of 38 months prior to the date of filing of the writ petition by them. This is clear from the order dated 01.03.2013 passed in the above referred case, which reads as under :-

“Separate replies by way of affidavits of Sh. Uma Shankar Gupta, Commissioner, Municipal Corporation, Bathinda, Sh. Priyank Bharti, Director, Local Government Punjab, Chandigarh and Sh. Hem Raj Goyal, Deputy Controller (Local Audit), Municipal Corporation, Bathinda, have been filed in Court. The same are taken on record.

Is is not in dispute that the necessary benefits i.e. Refixing of pay as well as arrears of pay of refixation have been paid to the petitioners and nothing remains due.

In view of the fact that all the benefits stand paid, the main writ petition is taken on Board and ordered to be disposed

of having been rendered infructuous.”

It is not disputed before me that the petitioner is identically placed as Jagdev Singh, Rajesh Kumar and Gurcharan Singh.

That being so, I have no hesitation in directing that the petitioner be also placed in the scale of ₹ 5000-8100, from the date of his appointment as Work Supervisor till the date of his promotion as Junior Engineer, which, I am informed is 25.11.2011. However, arrears are ordered to be restricted to 38 months prior to the date of filing of the present writ petition.

The writ petition stands allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

July 28, 2015
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