

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No. 12902 of 2015

DATE OF DECISION : July 02, 2015

Davinder Singh and others

..... PETITIONER(S)

VERSUS

State of Punjab & ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Ms. Alka Chatrath, Advocate, for the petitioners.

...

1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO
2. To be referred to the Reporter or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

...

ARUN PALLI, J. (Oral)

A writ in the nature of mandamus is prayed for, so as to direct respondents No.1 and 2 to consider the claim of the petitioners as regards fixation of their pay at par with respondents No.3 and 4 with effect from 01.01.1996, as they happened to be junior to the petitioners and were yet getting higher pay. And thus, the action of the department was/is in

apparent breach of the instructions dated 12.11.1993 (Annexure P-1).

It is averred that one Prithvi Vallabh Sood (respondent No.3) was appointed on the post of S.S. Master in the pay-scale of ₹ 1640-2925, vide letter dated 05.12.1989 and he joined on 04.01.1990. His pay was fixed at ₹6000/-, as on 01.01.1996, as in the case of the petitioners. Respondent No.4 i.e. Kulbir Singh, joined as Science Master on 05.04.1990 and was placed in the same pay scale i.e. ₹ 1640-2925. However, on 01.01.1996, his pay was fixed at ₹6200/-, though respondent No.3 had joined prior to Kulbir Singh (respondent No.4) and his pay was fixed at ₹6000/-. That being so, respondent No.3 filed CWP-21105-2012 and claimed fixation of pay at par with Kulbir Singh (respondent No.4), who happened to be his junior. The said writ petition was disposed of by this Court on 12.03.2013 with a direction to the respondents to consider the claim of the petitioner (respondent No.3 in the present case) as regards fixation of his pay at par with his junior i.e. Kulbir Singh, in terms of the Government instructions dated 12.11.1993. As a result, respondent No.3 was equated with respondent No.4, as regards fixation of pay. Concededly, the petitioners herein were appointed much before respondents No.3 and 4 and are, thus, senior to them. In fact, the date of joining of the petitioners as Masters and the position assigned to them in the seniority list, respectively, vis-a-vis respondents No.3 and 4, as depicted in the charts below, conclusively concludes that they are senior to respondents No.3 and 4:-

<i>Sr. No.</i>	<i>Name of the petitioner</i>	<i>Date of joining as Master</i>	<i>Seniority No.</i>
1	Davinder Singh	21.09.1989	14480
2	Sukhdev Singh	26.09.1989	14403
3	Balkar Singh	21.09.1989	14527
4	Sukhwinder Pal Singh	29.09.1989	14570
5	Harminder Singh	22.09.1989	14357
6	Satinderjeet Singh	15.09.1989	14446

<i>Sr. No.</i>	<i>Name of the respondents</i>	<i>Date of joining as Master</i>	<i>Seniority No.</i>
1	Prithvi Vallabh Sood	04/01/90	14911
2	Kulbir Singh	05/04/90	15170

But despite that being so, they are getting lesser pay than their juniors as their pay was fixed at ₹6000/- with effect from 01.01.1996. Something, which is in apparent breach of the Government instructions dated 12.11.1993 (Annexure P-1).

Petitioners purport to have represented to the respondents on a number of occasions. But to no avail. So much so, prior to the institution of this petition, petitioners purport to have served upon the respondents a legal notice dated 04.04.2015 (Annexure P-5), in this regard. But that too has failed to evoke any response.

Learned counsel for the petitioners submits that let this petition, at this stage, be disposed of with a direction to respondents No.1 and 2 to consider and decide the legal notice (Annexure P-5) served by petitioners within a specified time.

That being so, and without expressing any opinion on merits, this petition is disposed of with a direction to respondents No.1 and 2 to consider and decide the claim of the petitioners, as set out in their legal notice dated 04.04.2015

(Annexure P-5), strictly in accordance with law, within a period of three months from the date of receipt of certified copy of this order.

Needless to assert, a comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

JULY 02, 2015
Kang

(ARUN PALLI)
JUDGE