

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

**Civil Writ Petition No.19590 of 2015
Date of decision: 16.9.2015**

Avtar Singh and others

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Aman Sharma, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

Prayer made in the present writ petition is for issuance of Mandamus directing the respondents to grant benefit of revised pay scale of ₹ 10,300-34,800/- along with arrears with effect from 1.12.2011 to the petitioners who were working as Time Clerks. The prayer is made on the ground that requisite relief has been granted to their counter parts who were working in the different divisions of the same department.

It is the case of the petitioners that the post of Time Clerk was equated to the post of Clerk in 1969 and both categories of employees were getting similar pay scale. From 15.12.2011 onwards on account of revision of pay scale of the posts of Clerks who were granted the pay scale of ₹ 10,300-34,800/- with grade pay of ₹ 3200/- but the petitioners were denied the same pay scale. It is further the case of the petitioners that even within the same department similarly placed Time Clerks are getting the same

upward revised pay scale. Reference has been made to office order dated 20.3.2012 [P-4] to show that one Puran Singh, Time Clerk, working in the office of Executive Engineer, Field Mech. & C.P. Division, RSD, Shahpurkandi had been granted the pay scale of ₹ 10,300-34,800/- with grade pay of ₹ 3200/-. It is stated that the petitioners have submitted a legal notice dated 5.11.2014 [P-7] to respondents No.2 and 3 for grant of similar benefits in order to maintain parity of posts but no action is being taken.

In the circumstances, the learned counsel for the petitioners submits that he would be satisfied if a direction is issued to respondent No.3 to consider and decide the legal notice dated 5.11.2014 [P-7] within a specified period.

Without going into the merits of the case or expressing any opinion on merits and keeping in view the limited relief sought for, the present petition is disposed of without calling upon the respondents to file their reply to contest the case or admit the prayer.

Hence, Respondent No.3 is directed to take a final decision on the legal notice dated 5.11.2014 [P-7] within a period of two months from the date of receipt of a certified copy of this order. Needless to say that in case the relief is to be denied to the petitioners then a reasoned order would be requisitioned to be passed by the said respondent.

The writ petition stands disposed of accordingly.

(RAJIV NARAIN RAINA)
JUDGE

September 16, 2015

Paritosh Kumar