

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Letters Patent Appeal No.315 of 2015 (O&M)
DATE OF DECISION: 26.02.2015

Municipal Corporation, Ludhiana

....Appellant

versus

Smt. Kailash Sethi and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Samarth Sagar and Mr. Sankalp Sagar,
Advocates for the appellant

..

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral) :

The impugned order reads as under:

"The issue for consideration in this writ petition is directly covered through a decision of the Division Bench in CWP No. 1548 of 2006 titled Shammi Kapoor and others Versus Municipal Corporation, Ludhiana, through its Commissioner decided on 23.1.2013. The point urged was that the petitioners should be granted entitlement of higher pay scale for the period when they were holding the higher post on current duty charge as Inspector. This assumption of higher post for grant of scale applicable to regular appointment is a moot point, but I feel bound by the decision of the Division Bench that allows for such benefit. The writ petition is allowed.

The reckoning of the petitioner shall be done within eight weeks and released to the petitioner."

2. It appears obvious to us that the learned Judge has allowed the writ petition only to the extent of granting the respondents' entitlement of higher pay scale for the period they were holding the higher post of current duty charge as Inspector. No other issue has been addressed by the learned Judge. This relief granted is on the basis of the judgment

referred to by the learned Judge. The other reliefs claimed in the petition have not even been granted including for reinstatement and regularisation in the post of Inspector.

3. The judgment in Shammi Kapoor's case is of a Division Bench of this Court. The learned Judge was bound by the same as we are.

4. In the circumstances, the appeal is disposed of.

Needless to add that the payments as per the higher pay scale till the time that the respondents occupy the position would be payable only if they have not been paid earlier.

As we have disposed of the main appeal, the delay in filing the appeal is condoned.

**(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE**

26.02.2015
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**(AUGUSTINE GEORGE MASIH)
JUDGE**