

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

CWP No.1068 of 2006 (O&M)

Date of Decision: 09.09.2016

Constable Pargat Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. R.S. Rangpuri, Advocate
for the petitioners.

Mr. T.N. Sarup, Addl. A.G., Punjab
for the respondent-State.

DAYA CHAUDHARY, J.

Petitioners are working in the Police Department. Vide Punjab Government notification dated 15.01.1988, their grades were revised and recommendations of Fourth Pay Commission were implemented vide letter dated 08.01.1998. In view of revision of pay scales, the revised pay scale was ₹ 3120-6200/- under the ACP Scheme. Petitioners were also granted pay scale of ₹ 3120-6200/- Subsequently, their grades were decreased vide order dated 02.05.2003. Subsequent decrease of pay has been challenged in the present petition by raising various grounds.

Learned counsel for the petitioners submits that once the payment has been made, the same cannot be recovered. No notice or opportunity was granted to the petitioner while decreasing their pay. Learned counsel also submits that the case of the petitioners is squarely covered by decision in **CWP No.7005 of 2001** titled as **Joga Singh and**

others vs State of Punjab and others 2014(3) SCT 825. Thereafter, LPA against the said judgment filed by the respondent-State was also dismissed and SLP against that decision has also been dismissed.

Learned counsel for the respondent-State has not disputed the ratio of judgment in **Joga Singh's** case (Supra).

Heard the arguments of learned counsel for the parties and have also perused the documents available on the file.

Admittedly, the petitioners have claimed benefit of pay scale of ₹ 3120-6200/- granted to them and benefit of ACP has been withdrawn lateron, whereas, no opportunity of hearing or any notice was issued to them. It is also not disputed by learned counsel for the respondent-State that the controversy in the present case is squarely covered by decision in **Joga Singh's** case (Supra). **LPA No.1266 of 2014** was filed against decision in **Joga Singh's** case (supra) by the respondent-State, which was also dismissed by the Division Bench vide judgment dated 11.08.2014. Thereafter, the respondent-State filed **SLP No.15673 of 2015**, which was also dismissed on 31.08.2015. Thereafter, **Contempt Petition No.2268 of 2014** was filed and benefit was granted and the same has been implemented.

Accordingly, the present petition is allowed in terms of order passed in **Joga Singh's** case (supra).

(DAYA CHAUDHARY)
JUDGE

09.09.2016
gurpreet

Whether speaking/reasoned

Yes

Whether Reportable

Yes