

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

Date of decision:13.1.2016

CWP No.13461 of 2008(O&M)

Jagjit Singh & ors.		... Petitioners
	Versus	
Municipal Corporation Ludhiana		... Respondent

CWP No.17055 of 2015

Jagtar Singh & ors.		... Petitioners
	Versus	
The State of Punjab & anr.		... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. HS Dhindsa, Advocate,
for the petitioners.

Mr. IS Sidhu, Advocate,
for the respondent.

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

RAJIV NARAIN RAINA, J.(Oral)

1. This order will dispose of cases bearing CWP No.13461 of 2008 and CWP 17055 of 2015 as common questions of law and fact are involved in them which can conveniently be decided by a common order.

2. The claim in this petition is for payment of difference of salary for discharging duties of the higher post based on current duty charge. The arrangement of charge on current duty continued for 16 long years, no less than on administrative orders passed in writing giving the charge to the petitioners. Subsequently, the petitioners were even promoted to the higher post of which they were discharging duties and responsibilities on an officiating basis as per seniority. The issue arising

in the case is covered by the decision of the Supreme Court in in **Smt.. P. Grover v. State of Haryana and others**, (1983) 4 SCC 291 and numerous decisions delivered by the Supreme Court and this Court thereafter, including the connected case involving the same department delivered in CWP No.1548 of 2006 (Shammi Kapoor & ors. v. Municipal Corporation, Ludhiana) decided on 23.1.2013 and CWP No.16708 of 2005 (Smt. Kamlesh Sethi & ors. v. State of Punjab & anr.) decided on 24.1.2014.

3. Learned counsel submits that the decision in the said two cases has been implemented and the financial benefits have been made over to the petitioners therein. Similar treatment deserves to be accorded to the present petitioners to remove unfair discrimination.

4. As a result, both the petitions have merit and are allowed in terms of the aforesaid two cases involving the same department. Let the dues, in identical compliance of the aforesaid decisions, be calculated and the arrears of difference of salary between the two posts worked out be paid to the petitioners within three months from the date of receipt of a certified copy of this order.

(RAJIV NARAIN RAINA)
JUDGE

13.1.2016
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