

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 21633 of 2011 (O&M)
Date of Decision: August 8, 2016

Manjit Sandhu and Another

---Petitioners

versus

State of Punjab and Others

---Respondents

CWP No. 18599 of 2014 (O&M)

Ravinder Singh and others

---Petitioners

versus

State of Punjab and Others

---Respondents

CORAM: Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. Amit Chopra, Advocate
for the petitioners
Mr. R.S. Pathania, DAG, Punjab

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

By this single judgment, I shall dispose of CWP No.21633 of 2011 and CWP No.18599 of 2014, involving similar questions of law and facts. However, for facility of reference, facts are being extracted from CWP No.21633 of 2011.

The petitioners are the retired Lecturers from the Government Schools in the State of Punjab. The short controversy in the present case is that there was a policy of the Government to grant 2/3 increments if a master/mistress acquires Post Graduate qualification during service. Petitioners accordingly acquired Post Graduate qualification during service and were granted three advance increments in the unrevised pay scale. Later

on the scales were revised w.e.f. 1.1.1978. Some of the juniors to the petitioners also acquired the post graduate qualification after 1.1.1978 and they were accordingly granted 2/3 the advance increments in the revised scale. The advance increments granted to the petitioner in the unrevised pay scale were merged in the revised scale. The net result was that the juniors to the petitioners were started getting higher pay than the petitioners. It also comes out that the department withdrew the said advance increments to the juniors of the petitioners. However, they approached this Court and said order was set aside. Consequently, the juniors of the petitioners continued to get higher pay than the petitioners, may be on account of wrong grant of the advance increments.

The plea of the learned counsel for the petitioners is that their pay should be stepped up and made equal to their juniors on the basis of judgment dated 1.3.1995 (Annexure P-1), passed by this Hon'ble Court in Civil Writ Petition No.17005 of 1989 in pursuance to which, the Government had issued the Policy dated 28.10.1998 (Annexure P-4), laying down certain conditions for grant of advance increments. It also comes out that the petitioners had earlier approached this Court by filing Civil Writ Petitions No.19913 of 2009 and 20015 of 2009. The same were disposed of by this Court vide judgment dated 18.04.2011, giving directions to the respondents to consider the claim of the petitioners in the light of the directions given in the judgment and pass a speaking order accordingly. The speaking order dated 18.8.2011 (Annexure P-11) has been passed. The relevant extract from the said order is reproduced as under:-

“And whereas, the petitioners in the present case have claimed for stepping up their pay equal to the pay drawn by their junior as referred in the petition. A perusal of relevant record reveals that the

juniors referred to by the petitioners were granted the benefit of enhancement of their pay to such levels on account of inadvertence, though the said junior were not entitled. The said benefit was given sought to be withdrawn from such juniors, however the same was not allowed by this Hon'ble Court by its order dated 22.10.2009 in CWP No.999 of 2006 disposed of in terms of order dated 28.5.2009 in CWP No.10472 of 2008."

I have heard learned counsel for the parties and have also carefully gone through the file.

Learned counsel for the respondents has argued that one of the juniors was getting higher pay, as her adhoc service was also counted and she was getting higher pay on account of counting of the adhoc service. However, there were as many as seven juniors and regarding the remaining, it is stated that all the seven juniors, who are retirees, were wrongly granted the benefit, which was later on withdrawn. However, Civil Writ Petition No.999 of 2006, filed by them was allowed. The fact remains that whatever may be the reason, the juniors of the petitioners were getting higher pay than the petitioners. In terms of the judgment Annexure P-1, the pay of the senior is to be stepped up equal to the pay of their juniors.

In view of what has been discussed above, the present writ petition is allowed. The impugned order dated 18.8.2011 (Annexure P-11) is quashed. The respondents are directed to step up the pay of the petitioners equal to their juniors and release all the consequential benefits to the petitioners within a period of three months from the date of receipt of a certified copy of this judgment.

08.08.2016

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:
Whether Reportable:

Yes/ No
Yes/No