

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

**CWP No.1337 of 2016
Date of Decision:22.01.2016**

Rajinder Paul & ors.

... Petitioners

Versus

State of Punjab & ors.

... Respondents

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

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

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

RAJIV NARAIN RAINA, J.(Oral)

The claim in this petition is based on the ratio of the ruling of this Court rendered in CWP No.18754 of 1991 (Gurdev Singh & ors. v. State of Haryana & ors.), decided on January 18, 2010 copy of which has been placed on record as Annexure P-2. This Court interpreted item No.40 of the Haryana Civil Services (Revised Pay) Rules 1986 to hold that where petitioners [Tubewell Pump Operators] are working on technical posts they cannot be deprived of the revised pay scale of Rs.1200-2040/- either on the ground that they are non-matriculate or ITI qualified or not or even if they possess a Trade Certificate of different disciplines. The Court observed that according to Memo No.6/88 noticed in Labh Singh and others vs. State of Haryana and others, 1995(1) RCJ 345, 3 years experience in the Trade is also to be considered as equivalent to ITI. The petitioners are Tubewell Pump Operators working in the

Municipal Corporation, Ludhiana for the last 20-30 years. In the light of the judgment of this Court, the petitioners have served a legal notice dated November 5, 2015 (Annexure P-4) to claim the same relief as was given to their similarly situated counterparts on principles of parity of treatment in the equality clause in Article 14 of the Constitution. Despite request made no action has been taken on the notice so far which has compelled them to approach this Court for directions to the respondents to consider and decide the legal notice within a reasonable time by passing final administrative orders. The prayer is justified and a direction deserves to be issued to the respondents to consider and decide the legal notice after hearing the petitioners by passing a reasoned order disclosing the reasons arrived at to return the findings on the grievance. In this exercise, the decision-maker would keep in view the decision of this Court in CWP No.18754 of 1991 and *Labh Singh's case (supra)* in case the provisions in Punjab are in pari materia with the subject matter provisions prevailing in the departments of the State of Haryana.

Without expressing any opinion on the merits of the case, a direction is issued in this case to the competent authority to consider and decide the legal notice dated November 5, 2015 (P-4) within three months from the date of receipt of a certified copy of this order.

With the above observations and directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

22.1.2016
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