

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

**Civil Writ Petition No.18278 of 2015
Date of Decision: 20.12.2016**

Fatehjang Singh and others

..... Petitioners

Versus

The State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. H.S.Tuli, Advocate for the petitioners.

Mr. Nikhil Chopra, Additional Advocate General, Punjab
for the respondents/State.

JASWANT SINGH, J. (Oral)

Three petitioners, namely, Fatehjang Singh, Jogi Jagdeep Singh and Om Parkash Chawla, are stated to have retired from the rank of Joint Director of Agriculture in the Statistical Wing of the Agriculture Department, Punjab, w.e.f. 31.12.2004, 31.10.2006 and 30.09.2006, respectively.

It is claimed that the petitioners were unfairly placed in the pay scale of Rs. 4125-5600 at the time of revision of pay scale w.e.f. 01.01.1986 instead of Rs. 4500-6100 as was being granted to the Officers holding similar rank in the Department of Animal Husbandry. The submission is based on the prior equivalence of two posts in the Department(s) of Agriculture and Animal Husbandry. As a consequence, the prayer is also for subsequent revised placement w.e.f 01.01.1996 to 01.01.2006 and revision

of pensions.

To substantiate their claim, reliance is based on the judgment of this Court dated 05.01.2012 rendered in CWP No. 23138 of 2010, titled as **"Dr. Naresh Kumar Kataria and others Versus State of Punjab and others"** (Annexure P-2).

Learned Counsel for the petitioners submits that in the aforesaid writ petition bearing CWP No. 23138 of 2010 (P-2), the petitioners-Dr. Naresh Kumar Kataria and others were holding the same rank as the present petitioners in the Department of Agriculture, and have been awarded the same pay scale as their counter-parts in the Department of Animal Husbandry w.e.f. 01.01.1986, 01.01.1996 and 01.01.2006. Since 31.08.2015 when the notice was got accepted by the State Counsel on behalf of the State, no reply to date has been filed.

At the time of hearing, learned State Counsel has filed reply by way of short affidavit dated 19.12.2016 of Sh. Jasbir Singh Bains, Director Agriculture, Punjab on behalf of the respondents, which is taken on record. Copy of the same has been furnished to learned opposite Counsel.

Para 3 of the reply reads as under:-

" That the said Committee has considered the matter in its meeting held on 8-12-2016 and recommended that the petitioners are entitled to similar benefits as granted to the petitioners in CWP No.3365 of 2012. Accordingly, the same benefits i.e. the pay scales which were granted to the petitioners in CWP No.3365 of 2012, are granted to the petitioners in this case, vide speaking orders bearing Endst. No.8/39/2015-Agri-1(1)/20401-403, dated 15.12.2016 (Annexure R-1). "

In view of the aforesaid para 3 of the written statement, learned Counsel for the parties are agreed that the present petition has become infructuous.

Accordingly, the present petition stands dismissed as infructuous.

The consequential relief shall be released to the petitioners within seven months from today.

December 20, 2016
Gagan

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No