

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

**CWP No.23480 of 2014**

**Date of Decision:-03.10.2016**

**Paramjit Singh.**

.....Petitioner.

Versus

**State of Punjab & Ors.**

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH**

Present:- Mr. Shireesh Gupta, Advocate for the Petitioner.

Ms. Puneet Kaur Sekhon, Additional Advocate General, Punjab  
for respondent nos.1 & 2.

Mr. Nitin Kaushal, Advocate for respondent no.3.

Mr. Vivek Singla, Advocate for respondent no.4.

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**JASWANT SINGH, J.**

The petitioner was working with ITBP Government of India as Inspector Overseer (on regular permanent basis). He joined the respondent Board on deputation in the year 1997. Thereafter, he submitted an application dated 16.03.1998 (Annexure **P-1**) seeking his permanent absorption in the respondent Board. A duly constituted committee of the respondent-Board approved his absorption on 01.03.1999. Final letter for absorption of the petitioner was issued by the respondents on 22.05.2003 stating that he has been absorbed w.e.f. 29.08.2003.

On the strength of the aforesaid facts, it has been contended by

learned Counsel for the petitioner that when the case of the petitioner for absorption was approved by the committee w.e.f. 01.03.1999, the delay subsequent thereto in issuing the formal letter is on the part of the respondents and the petitioner cannot be prejudiced on that account.

On the other hand, learned Counsel for the respondent no.3 has argued that the Punjab Pollution Control Board had issued an advertisement no.ADMN/1996/1 in the newspapers inviting applications for direct recruitment as well as on deputation. Out of these, 15 posts of Junior Environmental Engineer were advertised on deputation basis on the pay scale of Rs.1800-3200. In response to the said advertisement the petitioner herein was selected as Junior Environmental Engineer and accordingly, he was relieved as Inspector (Overseer) of Fifth Battalion, ITBP on 14.09.1997 and was posted on deputation in Punjab Pollution Control Board vide order dated 23.09.1997 for a period of one year. Vide letter dated 16.03.1998 the petitioner offered his willingness for permanent absorption in the service of the Board. However, vide letter dated 20.07.1998 the petitioner requested for extension in deputation period for a further period of two years. Accordingly, the Board had written to the concerned administrative officer of ITBP with a recommendation of extension of two years and had also sought vide a separate letter the No Objection from ITBP for permanent absorption of petitioner.

On the said letter, the ITBP had given a no objection and thereafter, vide meeting held on 09.07.2001, the petitioner's request for permanent absorption was considered and allowed subject to the recommendations of the selection committee and approval of the State Government. However, the matter was kept in abeyance for finalization of

the revised service regulations of the Board employees in view of certain writ petitions pending before this Court. The said decision has been reproduced at page 85 of the Paper Book. Finally, the petitioner was absorbed as Junior Environmental Engineer w.e.f. 01.04.2003 with specific condition nos.3 & 4 which are reproduced as under:-

**“ Protection of Pay**

*You will be appointed in this Board in the pay scale of Rs.5800-9200. However, your pay as Junior Environmental Engineer in the Board will be protected as per Rules of the Board.*

**Seniority**

*You will be given seniority in the Board as Junior Environmental Engineer from the date of permanent absorption in the Board.* ”

Thus, prayer has been made for dismissal of the writ petition on the strength of facts narrated above.

After hearing learned Counsel for the parties and perusing the paper book, this Court is of the considered view that the present petition deserves to be dismissed.

The facts of the present case are not in dispute at all. However, it is a clear cut case where the petitioner has tried to mislead the Court by not reproducing the complete terms and conditions of his permanent absorption in respondent no.3-Board. A perusal of the above would reveal that as per condition no.3 & 4 of the approval given by the Board, there was a protection of pay to the petitioner as per rules of the Board and further, the seniority was to be counted from the date of permanent absorption. These

relevant conditions have not been reproduced by the petitioner in the document/order dated 22.05.2003 (P-10), which completely changes the complexion of the case. It is not in dispute that the petitioner had a accepted these terms and conditions and has been working thereafter. Thus, the petitioner is estopped by his own act and conduct now after delay of 12 years lay claim to the benefits w.e.f. 01.03.1999. Further, on the short ground of concealment of the terms and conditions of his permanent absorption, the petition deserves to be dismissed. Apart from being hit by delay and latches

Not only this, on a pointed query put by the Court to the counsel for petitioner, it has been conceded that petitioner, while working as Inspector (Overseer) with ITBP, was drawing a higher pay scale than that of a Junior Environmental Engineer. Thus, in any case he is not entitled for any protection of pay as per Rule 4.2 of the Punjab Civil Services Rules for the previous service, however, the benefit of service as Junior Environmental Engineer for the deputation period from 1997 to 2003 with Board towards pay fixation on absorption w.e.f. 01.04.2003 has been granted.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

( JASWANT SINGH )  
JUDGE

October 03, 2016  
Vinay

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|----------------------------------|-----------------|
| <i>Whether speaking/reasoned</i> | <i>Yes / No</i> |
| <i>Whether Reportable</i>        | <i>Yes / No</i> |