

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

CWP No.26171 of 2014 (O&M)

Date of Decision: 18.3.2016

Rakesh Kumar and others

... Petitioners

Versus

State of Punjab and others

... Respondents

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

Present: None for the petitioners

Mr.Vaibhav Sharma, DAG, Punjab

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

RAJIV NARAIN RAINA, J. (Oral)

None is present on behalf of the petitioner. Heard learned counsel for the State.

The short point involved in this case is whether State can fix a date retrospectively from where enhanced benefits of pay revision are to be granted. The petitioners pray for a direction to set aside the Circular dated 5th October, 2011 (Annex. P-4) which restricts payment of revised pay scale from 1st October, 2011 but the petitioners want that the benefits should run from 1st January, 2006 with all consequential benefits i.e. refixation of pay, arrears alongwith interest etc. It is well settled position of law that it is open to the Government to fix a date from where revised pension is to be given, when it accepts the recommendations of the Pay Commission constituted by the State Government to go into the question of revision of pay scales by the State of Punjab. There is nothing arbitrary in the Circular dated 5th October, 2011.

None of the fundamental rights of the petitioners are breached. This issue has

been considered and decided in **Satbir Singh and others vs. State of Punjab and others**, CWP No.4948 of 2012 decided on 11th October, 2013 wherein it has been held as follows:-

“27.The State Government has taken a decision not to implement and grant the upgraded pay scales over and above the General Conversion Table as recommended by the Commission w.e.f. 1.1.2006 in the light of its financial position. In such situation, this Court in exercise of its extra-ordinary writ jurisdiction would not step in to issue a writ of mandamus to command the State otherwise. The decision of the State cannot be said to be vitiated by any extraneous consideration or perverse appreciation of the financial circumstances prevailing. This Court does not find any basis that would warrant interference in the same.

28.Before parting with the judgment, there is one aspect of the matter which would require intervention. In this bunch of petitions, it is noticed that in respect of certain categories of employees benefit of upgraded pay structure over and above the General Conversion Table has been made admissible w.e.f. 1.11.2011/1.12.2011. In the reply filed in Civil Writ Petition No.4948 of 2012, the stand of the State Government is unequivocal that the pay scales as per General Conversion Table devised by the Commission stand implemented vide Government notification dated 27.5.2009 w.e.f. 1.1.2006 for all Government employees. Further stand is that the upgraded scales of pay recommended by the Commission over and above the

General Conversion Table have been made admissible w.e.f. 1.10.2011 on a uniform basis. The State Government would be held bound by such stand. Accordingly, it is directed that in respect of any such category of employees in this bunch of petitions wherein the upgraded pay scale had been recommended by the Commission over and above the General Conversion Table, the same shall be made admissible w.e.f. 1.10.2011 to ensure uniformity. The requisite corrective action/orders in this regard would be issued within a period of one month from the date of receipt of this order.

29. But for such limited intervention as indicated hereinabove, there is no merit in these petitions and the same are, accordingly, dismissed.”

LPA No.251 of 2014 filed by Satbir Singh etc. was dismissed and the view rendered by the learned Single Judge was upheld, that it was neither contrary to the principles of law nor the position on record. The appeal was found to be devoid of merit and was accordingly dismissed on judicial review. I find the prayers made in this case are wholly misconceived and this petition is devoid of merit and deserves to be dismissed. I find no merit in this petition which is accordingly dismissed.

18.3.2016
MFK

(RAJIV NARAIN RAINA)
JUDGE