

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

CWP No.6639 of 2013

Date of decision: 23.08.2016

Bhupinder Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab
for respondent No.1 – State.

Mr. D.S. Brar, Advocate
for respondents No.2 and 3.

Daya Chaudhary, J. (Oral)

The claim of the petitioner in the present writ petition is for issuance of direction to the respondents to grant equal salary to the petitioner at par with his junior, who is drawing more salary viz-a-viz the petitioner.

In response to notice of motion, written statement has been filed by the respondents.

The stand of respondent No.2 for getting less salary by the petitioner from his junior has been mentioned in para No.3, which is as under: -

“3. That the contents of Para No.3 are admitted to the extent that the Petitioner's junior Gurchet Singh is drawing more salary than him. The detail given by the petitioner about his salary and that of his junior Gurchet Singh relates/compare to each other as

follows: -

(a) Petitioner's Annual Increment as on 01.01.2010;

(b) Junior employees annual increment as on 01.01.2009;

(c) Both employees' basic pay on 01.01.1996 (Rs.7900/-) Gurchet Singh's Pay as on 01.01.1996 was determined as Rs.7900/- on the basis of Rs.2500/- as pay fixation formula. Petitioner Bhupinder Singh's pay as on 01.01.1996 was determined as Rs.7900/- on the basis of Rs.2600/- as pay fixation formula.

As per Pay Fixation formula calculating on Rs.2500/- basis total emoluments comes to Rs.7600/-. Calculating on the basis of Rs.2600/- basis total emoluments comes to Rs.7898/- but as per scale next step is Rs.7900/- and as a result both employees were having pay determining of Rs.7900/- as on 01.01.1996. Gurchet Singh had suffered a stoppage of one increment without cumulative effect by order No.14566 dated 14.03.1995. The effect of this punishment was till 31.12.1996. When his annual increment opened up on 01.01.1997 Gurchet Singh's pay after annual increment was determined at Rs.8700/- but Petitioner's Pay was Rs.8300/- at that time.”

Learned counsel for respondents No.2 and 3 submits that prior to stoppage of increments, the petitioner was getting less salary whereas this averment is not mentioned in the present petition. Even nothing has been mentioned in the representation dated 07.03.2011 (Annexure P-6).

Learned counsel for the petitioner submits that he may be allowed to withdraw the petition with liberty to file fresh representation stating all these facts.

In view of the submissions made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the said liberty.

However, in case, the petitioner files representation, the respondents are directed to consider the same by passing a speaking order.

23.08.2016
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

√
Yes/No

Whether Reportable

√
Yes/No