

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

LPA No.1466 of 2015 (O&M)

Date of Decision: 22.03.2016

The State of Punjab

.....Appellant

Versus

Mohinder Singh

.....Respondent

CORAM:HON'BLE MR. JUSTICE RAJESH BINDAL.
HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present: Ms. Munisha Gandhi, Additional Advocate General,
Punjab with Ms. Harleen Kaur, AAG Punjab.

Respondent in person.

RAJESH BINDAL,J.

Challenge in the present appeal is to the judgment of learned Single Judge, dated 30.4.2015 granting pay scale of ₹ 1120/- plus ₹50/- as special pay to the respondent w.e.f. 9.2.1978 instead of ₹1080/- plus ₹50/- as special pay. The respondent who was working as Assistant Treasury Officer from 1972 to 1981 sought relief regarding equation of pay scale with Senior Auditor in terms of the judgment of this Court in **CWP No. 4818 of 1987 S.P. Mehta and others Versus State of Punjab and others, decided on 23.9.2008.** The respondent retired from service as Joint Director in Hospitality Department, Punjab, on 30.6.1993.

The contention sought to be raised by learned counsel for the appellant is that there is error in the judgment as the State had granted relief to the respondent strictly in terms of the judgment in **S.P. Mehta's case (supra).** However, this Court had granted the

pay scale of ₹1120/- plus ₹ 50/- as special pay to the respondent whereas he was rightly granted the pay scale of ₹ 1080/- plus ₹ 50/- as special pay. He further submitted that whatever amount was due to the respondent in terms of judgment of learned Single Judge, was paid to him. The fact has not been disputed by the respondent, who appeared in person.

Learned counsel for the State fairly submitted that as the State has complied with the judgment of learned Single Judge, considering that the respondent is a senior citizen, the appeal may be dismissed as not pressed. However, the legal issue regarding entitlement of pay scale of ₹ 1120/- plus ₹ 50/- as special pay w.e.f. 9.2.1978 to the category of other employees who may be similarly placed as the respondent is, may be kept open as the other retired employees may not file petition claiming parity.

After hearing learned counsel for the State and the respondent, who appeared in person, the present appeal is disposed of directing that whatever amount had been paid to the respondent, the same shall not be disturbed. However, in case any other petition is filed claiming same relief, the issue regarding entitlement in that case shall be considered in terms of the judgment of this Court in **S.P. Mehta's case (supra)**.

(RAJESH BINDAL)
JUDGE

(SHEKHER DHAWAN)
JUDGE

22.03.2016
reema