

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

**COCp-1650-2017 (O & M)
Date of decision: 07.12.2017**

Mohammad Rizwan Farooqi

....Petitioner(s)

V/s

Saravjit Singh and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. I.S. Saggu, Advocate, for the petitioner.

Ms. Lavanya Paul, AAG, Punjab.

Rajan Gupta, J. (Oral)

Learned State counsel has filed reply by way of affidavit of Saravjit Singh, IAS, Principal Secretary, Govt. of Punjab, Department of Transport, on behalf of respondents No.1 and 2.

Paras 3 and 4 thereof read as under:-

“3. That in compliance to the above orders of this Hon’ble Court the pay of the petitioners has been equated with the juniors to them. As per as granting of pay scales to petitioners is concerned the deponent is not competent authority to grant any pay scale to the petitioners rather the fixation of pay is exclusively within the domain of the state policy and function of the expert bodies like Pay Commission. Hence any particular scales can’t be fixed in the absence of definite materials for appraisal.

4. That the deponent has referred the matter to the Finance Department for fixing pay scales to the categories of General Managers, Deputy Director as well as Chief Store and Purchase Officer vide dated 18.01.2017. An information has been received from the Finance Department that the matter has been referred to 6th Punjab Pay Commission vide memo no.1/167/2012-1FP1/179 dated 17.03.2017 for fixing pay

scales to the above mentioned category. The matter is under active consideration of the 6th Punjab Pay Commission.”

It is further submitted on instructions from Jagjiwan Singh, Law Officer that arrears in respect of equation of pay shall be released to the petitioner at the earliest, in any case, not later than 03 months. The issue which has been referred to VIth Pay Commission shall be decided at the earliest.

In view of the above, this petition is disposed of.

Rule is discharged.

Petitioner shall, however, be at liberty to seek revival of the petition in case any cause of action survives.

December 07, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No