

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

Civil Writ Petition No. 15537 of 2013

Date of Decision: 16.01.2017

Sukhchain Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. R.K.Arora, Advocate for the petitioners.

Mr. Harkesh Manuja, Additional Advocate General, Punjab and
Mz. Sudeepti Sharma, Deputy Advocate General, Punjab
for the respondent(s)/State.

JASWANT SINGH, J. (Oral)

This common order shall dispose of eight petitions bearing CWP No.15537 of 2013, CWP No.15540 of 2013, CWP No.22591 of 2013, CWP No.18554 of 2014, CWP No.20861 of 2015, CWP No.20976 of 2015, CWP No.24623 of 2015 & CWP No.176 of 2016 and the titles thereof are detailed at the footnote of the order.

The petitioners in the aforesaid writ petitions have retired either from the rank of the Horticulture Development Officer/Deputy Director Horticulture/Assistant Director Horticulture/Chief Agriculture Officer, Agriculture Officer/Agriculture Development Officer/Seed Testing Officer with effect from different dates on attaining the age of superannuation from the service of the Horticulture Department/Agriculture Department, Punjab.

The petitioners had earlier filed writ petitions claiming higher pay scales after completion of 4/9/14 years of service w.e.f. 01.01.1996 at

par with the Veterinary Officers of the Animal Husbandry Department, Punjab. The said writ petitions were disposed of as infructuous in light of the State Government acceding to removal of the said anomaly and thus extending the claimed relief vide order dated 21.12.2011 (**Annexure P-10** in CWP No.15537 of 2013). The question of grant of arrears of monetary relief was left open for the petitioners to agitate before the Departments concerned. While granting notional benefits, the said relief for grant of arrears of salary has been declined by the Government by passing a common orders dated 02.07.2012 / 05.11.2012 with regard to the petitioners herein. The said order(s) has been impugned by filing the present petitions.

Upon notice, in three of the writ petitions bearing CWP Nos.18554 of 2014, 176 of 2016 and 20976 of 2015, reply has been filed, wherein the stand is that the benefit can only be extended prospectively and not retrospectively.

However, by way of C.M. No.360 of 2017 filed in CWP No.18554 of 2014, a fresh order dated 21.12.2016 passed by the Department of Agriculture in concurrence with the Finance Department has been placed on record as **Annexure P-10**, whereby it is shown that the Government upon reconsideration in the case of similarly situated employees, in view of the decision of the Hon'ble Supreme Court, has decided to grant arrears of pay of three years (36 months) prior to the date of filing of the writ petitions by the petitioners concerned.

Learned Counsel for the parties are agreed that in the light of the settled principle of law, as acknowledged by the Government itself at **P-10**, all the petitioners in the present set of petitions are entitled to similar relief.

In view of the above, the present writ petitions are allowed and the impugned orders are set aside and it is ordered that they are also entitled to arrears of monetary benefits from the date of filing of their respective previous writ petition(s).

The department is further directed to complete the exercise of identifying the periods for which the petitioners are entitled and the consequent relief of the arrears be granted within a period of six months from the receipt of certified copy of this order. The petitioners are also granted liberty to file representation(s) to the department concerned regarding the particulars of filing of their previous writ petitions.

Disposed of in the above terms.

January 16, 2017
Gagan

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

Sr. No.	Case No.	Title
1	CWP No.15537 of 2013	Sukhchain Singh and others Vs. State of Punjab and others
2	CWP No.15540 of 2013	Harinder Singh and others Vs. State of Punjab and others
3	CWP No.22591 of 2013	Anoop Singh and others Vs. State of Punjab and others
4	CWP No.18554 of 2014 (O&M)	Himat Singh Gill and others Vs. State of Punjab and others
5	CWP No.20861 of 2015	Ravinder Singh and others Vs. State of Punjab and others

<i>Sr. No.</i>	<i>Case No.</i>	<i>Title</i>
6	CWP No.20976 of 2015	Harinderjit Singh Vs. State of Punjab and others
7	CWP No.24623 of 2015	Jagjeet Singh and others Vs. State of Punjab and others
8	CWP No.176 of 2016	Kashmir Singh Vs. State of Punjab and others