

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-22387-2012 (O&M)

Date of Decision:-28.11.2017.

Rajeev Sachdeva and another

.....Petitioners

Versus

Punjab & Haryana High Court, Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Sanjeev Sharma, Advocate for the petitioners.

Mr. Vikas Suri, Advocate for respondent Nos.1 and 2.

Mr. Suvir Sehgal, Senior Standing Counsel U.T. Chd. with
Mr. Namit Kumar and Mr. Akshay Sethi, Advocates for
respondent No.3.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioners have sought for the following relief:-

*“iv) a writ in the nature of certiorari
be issued to quash the action of respondent No.3
by which the pay of the clerk-cum-typists has
been equated with other clerks working in the
other offices and Shetty Commission report has
been undone and further a writ in the nature of
MANDAMUS be issued to respondents to grant
higher scales to the clerk-cum-typists of the
subordinate courts in comparison to the clerks
working in other offices and if the same*

treatment would have been granted which was granted w.e.f. 1.4.2003 then the petitioners are entitled the scale of Rs.10300-34800+GP Rs.5000/- and same may kindly be granted to the petitioners w.e.f. 1.12.2011 and all arrears be released with market rate interest;”

Petitioners are stated to be Clerk-cum-Typists in the subordinate Courts. While implementing Shetty Pay Commission, pay of the petitioners was enhanced compared to the Clerk-cum-Typists in the different Departments other than subordinate Courts. State of Punjab revised pay scale in the year 2006 and 2011. There were pay anomalies between the persons who were working in different Departments and that of subordinate Court staff like petitioners. Thus, grievance of the petitioners is to extend revised pay on par with the Clerk-cum-Typists working in different Departments of the State of Punjab. Chandigarh subordinate Court staff are under the administrative control of Chandigarh Administration. Chandigarh Administration have adopted Punjab State pay rules. In view of Shetty Pay Commission, benefit had been extended to the petitioners. Due to revision of pay by the State of Punjab, certain anomalies have occurred. The same are required to be examined and rectified by the State of Punjab by making necessary amendment to the revision of pay rules. In the present case, pay scale of the petitioners has been extended from 01.01.2006 whereas from 01.01.2011 pay scale has not been extended with reference to persons who are working other than subordinate Courts. In this regard, their demand is before the Chandigarh Administration. Any rectification of pay rules of the State of Punjab is to be undertaken by the State of Punjab and Chandigarh Administration has only to adopt such of those Rules. The

petitioners have not made a specific request/demand before the Chandigarh Administration to get pay rules of Punjab State rectified so also for recommending for necessary amendment to the Pay Revision Rules, 2011. In the absence of specific demand for rectification of the Pay Revision Rules, 2011 petitioners have not made out a case seeking for writ of *mandamus*. In the absence of demand for revision of pay and to extend the revised pay, petitioners have rushed to this Court. Until and unless there is a demand, question of issuance of writ of mandamus do not arise. During pendency of this petition, Chandigarh Administration have issued a communication on 25.4.2017. In view of the aforesaid development, petition do not survive for consideration.

Accordingly, petition stands disposed of. Reserving liberty to the petitioners to approach Chandigarh Administration as well as State of Punjab to make necessary rectification of Pay Revision Rules, 2011 in accordance with law. If such request is made by the petitioners, the concerned authorities would consider and dispose of their grievance at the earliest.

With the above observations, petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

November 28, 2017.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.