

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CWP No.21424 of 2017(O&M) Date of Decision: 20.09.2017
Bishan Singh & others --Petitioners

Versus

State of Punjab and others --Respondents

2. CWP No.21457 of 2017(O&M)

Dev Raj & others --Petitioners

Versus

State of Punjab and others --Respondents

3. CWP No.21491 of 2017(O&M)

Amarjeet Singh & others --Petitioners

Versus

State of Punjab and others --Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. M.K. Dogra, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J

This order shall dispose of CWP No.21424 of 2017 (Bishan Singh & others Vs. State of Punjab & others), CWP No.21457 of 2017 (Dev Raj & others Vs. State of Punjab & others) and CWP No.21491 of 2017 (Amarjeet Singh & others Vs. State of Punjab and others) as identical issue is involved in these three writ petitions.

As per averments on record the petitioners in these three petitions were initially engaged on work charge basis as Beldars with the Ranjeet Sagar Dam Project on different dates between the years 1984 to 1987.

Counsel submits that the working conditions being rather hostile and the petitioners as also other employees similarly situated being forced to work in hazardous and difficult conditions, special increments

were granted as incentive and reward.

Services of the petitioners were thereafter regularized in the year 1996. Consequent to regularization a question arose with regard to fixation of pay of the petitioners in the regular cadre. At that stage, a Committee was constituted for fixation of pay of the Ranjeet Sagar Dam employees and which submitted a final report recommending that while fixing the pay of the petitioners, special increments as granted earlier in point of time, be not withdrawn and rather the same be merged with their pay. However, Accountant General, Punjab in the year 2005 raised two objections i.e. (i) special increments cannot be granted as the same are not permissible under the Civil Service Rules and (ii) at the stage of granting special increments, sanction of the Govt. had not been obtained. Ultimately the State Govt. took a decision in the year 2008 to re-fix the pay of the employees including the petitioners herein after withdrawing the special increments.

Counsel submits that on account of a subsequent development the four special increments that were withdrawn, were infact restored but the arrears of difference of pay were not released.

The precise claim raised in these three petitions is for directing the respondents to pay and release the arrears of difference of pay consequent to restoration of four special increments.

Counsel contends that the claim raised in the instant petition would be covered in terms of judgement dated 8.9.2010 (Annexure P-8), passed by a Division Bench of this Court in L.P.A No.1161 of 2009 and as modified by the Hon'ble Apex Court in S.L.P (Civil) No.13027 of 2011 decided on 16.7.2014 (Annexure P-9). Further contended that a Coordinate

Bench of this Court in CWP No.25992 of 2015 and other connected petitions decided on 28.4.2016 (Annexure P-10) has issued directions by following the judgements at Annexures P-8 and P-9, passed by the L.P.A Bench and the Hon'ble Apex Court and has taken a view that the benefit has to be generalized and to be released in favour of all employees, who are identically situated.

In the light of the submissions raised by counsel, I deem it appropriate to dispose of these three petitions by directing respondent no.2 i.e. the Chief Engineer, Ranjeet Sagar Dam, Shahpur Kandi, District Pathankot to consider the claim of the petitioners in the light of the afore-noticed judgements and to take a final decision on the representations dated 27.9.2016 (Annexure P-11) in CWP No.21424 of 2017, dated 18.1.2017 in CWP No.21457 of 2017 (Annexure P-11) and representation dated 14.10.2016 in CWP No.21491 of 2017 (Annexure P-11), within a period of four months from the date of receipt of a certified copy of this order.

Petitions disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

20.09.2017

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