

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-642-2015 (O&M)

Date of Decision: January 12, 2017

State of Punjab and others

.....Appellants

Versus

Virender Pal Singh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Rajesh Bhardwaj, Addl.AG, Punjab
for the appellants.

Mr.Ankush Singh, Advocate
for the respondents.

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SURYA KANT, J.

The only issue that arises for consideration in this intra- Court appeal is whether the learned Single Judge ought to have granted the arrears of pay as a result of grant of higher pay scale, from the due date or such arrears ought to have been restricted for a period of three years preceding the date on which the writ petition was filed?

[2] Learned State counsel has pointed out that one of us (Surya Kant, J.) in CWP No.8242 of 2011, **Sucha Singh and others vs State of Punjab and others**, decided on 26.08.2011 observed that though the writ

Court is not precluded to entertain a belated claim but in such a case the

balance can be struck by restricting the payment of arrears for a limited

period. In that case the Court held the writ petitioners were entitled to fixation of pay on notional basis but the actual arrear was restricted for a limited period. LPA No.1996 of 2011 was filed in Sucha Singh's case (supra), which was disposed of by a Division Bench on 31.10.2011 whereby it held that the writ petitioners were entitled to arrears of pay for a period of three years preceding the date of filing the writ petition. Following the same view as the point in issue is identical, we allow the appeal in part and modify the order passed by the learned Single Judge to the extent that the respondents shall be entitled to arrear of pay for a period of three years preceding the date of filing of the writ petition.

Ordered accordingly.

(SURYA KANT)
JUDGE

January 12, 2017
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |