

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

(1) CWP No. 21106 of 2013 (O&M)
Date of decision: 30.08.2018

Ram Kumar and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

(2) CWP No. 28468 of 2013 (O&M)
Date of decision: 30.08.2018

Krishna Devi

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajeshwar Singh, Advocate for the petitioner(s).

Ms. Harsimrat Rai, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

The aforementioned two petitions are being decided by way of common order, as common questions of law and facts are involved therein. However, the facts are being derived from CWP-21106-2013 in order to avoid repetition.

By way of instant writ petitions, the petitioners seek issuance of directions to the respondents to grant pay band of Rs.10300-34800+Rs.4800 grade pay w.e.f. 01.12.2011 as per letter dated

15.12.2011 (Annexure P-1) issued by respondent No.1, special allowance @ Rs.600/- per month and conveyance allowance @ Rs.700/- per month from 01.06.2011 as per letter dated 20.05.2011 (Annexure P-4) along with arrears and interest thereon from the due date till realization.

It is asserted that the petitioners are working as judgment writers in the office of State Consumer Disputes Redressal Commission, Punjab (for short 'the Commission'). Learned counsel refers to order dated 20.12.2011 (Annexure P-2) issued by this Court, vide which the post of judgment writer borne on the establishment of the High Court has been equated with that of Personal Assistant to Secretary to contend that on the same analogy, the judgment writers working in the Commission are entitled to pay parity with the post of Personal Assistant to Secretary. He further states that the feeder cadre post i.e. Senior Scale Stenographer to the post of judgment writer were granted revised pay scale, whereas, the petitioners were not granted the same resulting into the anomaly of the pay. Hence the present petition(s).

On the other hand, though learned State counsel acknowledges the anomaly indicated, however, the State has taken the stand that the matter has been sent by respondent No.2 to the Sixth Pay Commission for revoking the anomaly, however, no response has been received so far.

Heard.

The petitioners in CWP-21106-2013 working as judgment writers, whereas, petitioner Krishna Devi in CWP-28468-2013 working

as Reader-II in the Commission are claiming pay parity and other allowances on the ground that the Personal Assistants to the Secretary in the Punjab Civil Secretariat, Superintendent Grade-II and judgment writers working in this Court are getting the same pay scale of Rs.10300+34800/-+4800/- g.p. and other allowance after the revision of pay scales w.e.f. 01.12.2011. Initially the petitioners were working as Senior Scale Stenographers and were promoted to the post of judgment writers, whereas, petitioner Krishan Devi was working as Senior Assistant and was promoted to the post of Reader-II. After the revision of pay scales on 15.12.2011 (Annexure P-1), the pay scales of Superintendent Grade-II and Personal Assistant to the Secretary in the State of Punjab were granted the pay scale of Rs.10300-34800+4800 g.p. along with allowances w.e.f. 01.12.2011 and the senior scale stenographer, the feeder cadre post to the post of judgment writer were granted the pay scale of Rs.10300-34800+4400 g.p. whereas, the pay scales of the present petitioners were not revised in pursuance of the notification dated 15.12.2011 (Annexure P-1). It has also been pointed out that the pay scale of judgment writers working in this Court has been revised to Rs.10300-34800+4800 g.p., whereas, the petitioners were not granted the same causing the monetary loss and resulting into pay anomaly.

On 27.04.2016, this Court had passed the following order:-

“The Committee set up to examine the anomaly where the pay scale of the feeder cadre post is higher than the promotional post has not taken a final decision.

Let the exercise be done within 8 weeks and the decision be

placed on the record of this case.

List again on 21.07.2016.

A photocopy of the order be placed on the connected files.”

Thereafter, on 04.05.2018, the following order was passed:-

“Learned State counsel, on instructions, acknowledges the anomaly indicated in the petition. She states that after consultation and deliberations with the Finance Department, a reference in the matter has already been sent by respondent No.2 to the Sixth Pay Commission. The response to the reference sent is still awaited.

Post again on 30.08.2018.

The necessary exercise be completed in the meantime.

A photocopy of this order be placed on the file(s) of the connected case(s).

After passing of order dated 27.04.2016, the State has been seeking time to obtain instructions and to finalize the matter after removing the pay anomalies, however, till date finality has not been accorded to the matter. On the last date of hearing, the State counsel had acknowledged the anomaly indicated in the petition.

Keeping in view the fact that the matter has been already sent by respondent No.2 to the Sixth Pay Commission and in view of the admitted position as indicated above, the present petitions are allowed. The respondents are directed to grant the revised pay scale to the petitioner(s) of Rs.10300-34800+4800 grade pay w.e.f. 01.12.2011 along with other allowance as admissible to them and further grant pay scale of Rs.15600-39110+5400 grade pay w.e.f. 07.07.2013, the date when she

had been promoted from the post of Reader-II to the post of Reader-I till 31.03.2015 (the date of superannuation of petitioner Krishna Devi) within a period of three months from the date of receipt of certified copy of the judgment.

30.08.2018

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(JITENDRA CHAUHAN)
JUDGE

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