

CWP No.18133 of 2015

DECIDED ON: MARCH 12, 2018

NARINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Naveen Sharma, Advocate
for the petitioner.

Ms. Deepali Puri, Addl. AG, Punjab.

JASPAL SINGH, J (ORAL)

By virtue of instant petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the following relief:

- a) A writ in the nature of mandamus directing the respondents to grant the pay scale of ₹1800-3200/- to him after completion of 12 years of service at par with the Surveyors of the Soil Conservation Department and corresponding revised scale w.e.f. 01.01.1996 and grant him arrears thereof, along-with interest @18% p.a.
- b) A writ in the nature of mandamus directing the respondents to grant the fixed Local Travelling Allowance as per the order at par with the Surveyors of the Soil Conservation Department;
- c) Any other appropriate writ, order of direction which this Hon'ble court deems fit and proper under the facts and circumstance of this case.

2. In response to notice of motion, respondents have filed the reply by way of an affidavit of Adarsh Kumar Bansal, Chief Engineer/Drainage Irrigation Works, Punjab Chandigarh. The paragraph No. 4 to 8 are relevant for the proper appreciation, the same are reproduced as under:

4. *That in the light of judgment dated 01.06.2011 of the Hon'ble Punjab and Haryana High Court, Chandigarh pronounced in CWP No. 21180 of 2010 (Jarnail Singh & others versus State of Punjab & others) and Government of Punjab, Department of Finance (FP-1 Branch), Chandigarh memo No. 1/85/2010-3FP1/741, dated 24.10.2011 whereby concurrence has been conveyed for grant to pay scale of ₹1800-3200/- w.e.f. 14.10.1993 and LTA w.e.f. 01.10.1992 to similarly situated Surveyors of the Punjab Irrigation Department, the petitioner has been granted pay scale of ₹1800-3200/- w.e.f. 14.10.1993 vide Executive Engineer, Inspection and Quality Control Division, RSD, Shahpurkandi Township vide office order No. 207-12/PF, dated 27.01.2016. He has also been granted LTA w.e.f. 01.10.1992. The copy of the same is annexed as Annexure R-1.*
5. *That the payment amounting to ₹12489/- and ₹14640/- on account of pay fixation in the pay scale of ₹1800-3200/- and grant of LTA, respectively, relating to regular period have been made to the petitioner vide cheque No. GDR040108160023002, dated 01.08.2016.*
6. *That the bills regarding payments amounting to ₹5314/- and ₹9120/- on account of pay fixation in the pay scale of ₹1800-3200/- and grant of LTA, respectively, relating to work charge period have been submitted by the office of FA & CAO, RSD, Shahpurkandi Township to the Treasury Office, Jugial vide their Bill No. 2149, dated 11.07.2016 and Bill No. 2155 dated 11.07.2016 for making the payment.*

7. *That the pay of the petitioner has been fixed in the pay scale of ₹5800-9200/- w.e.f. 01.10.1998 and also fixed in the pay scale of ₹15070+3800/- Grade pay w.e.f 01.01.2006 vide letter No. 174/23-E, dated 05.08.2016 by the Executive Engineer, Workshop Division, I.B., Punjab Chandigarh and the entry of pay scale has been made in the service book by the concerned DDO and the copy of the same is annexed as Annexure R/2.*

The claim of the petitioner has been settled by the department. Now, no cause of action arose to the petitioner to file the present writ petition before this Hon'ble Court. The petitioner is demanding the interest @18% which is not admissible to the petitioner.

8. *That the Executive Engineer, Pong Dam Division, BBMB, Talwara, Township has intimated vide his letter No. 1829-30-PDC/BBMB/PF, dated 24.03.2017, that the payment on account of arrears of pay and revised pay from July 1999 to September 2011 amounting to ₹65,830/- has been made to the petitioner Sh. Narinder Singh, Surveyor (Retd.).*

3. A perusal of the afore-said paragraphs reveal that the relief which has been sought by the petitioner through the instant petition has already been granted to him. Every aspect has been dealt with and disposed of by the respondents while granting the afore-said benefit(s). As far as the grant of interest is concerned the petitioner has approached this Court in July 2015 and during the pendency of instant petition, his claim was considered and payments stood released.

4. In view of afore-said facts and circumstances instant petition has rendered infructuous and is disposed of, as such.