

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

(1) CWP No. 22834 of 2013 (O&M)
Date of decision: 22.03.2018

Nirmal Singh and others

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

(2) CWP No. 26508 of 2013 (O&M)
Date of decision: 22.03.2018

Mohinder Singh and others

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. Gaurav Sharma, Advocate for
Mr. Pawan Kumar, Advocate for the petitioner(s)
in CWP-22834-2013.

Mr. S.S. Chahal, Advocate for
Mr. S.S Brar, Advocate for the petitioner(s)
in CWP-26508-2013.

Ms. Sudeepti Sharma, Addl. A.G., Punjab.

Jitendra Chauhan, J. (Oral)

The aforementioned two petitions are being decided by way
of common order, as the same issues have been involved in the matter.

By way of instant writ petitions, under Articles 226/227 of
the Constitution of India, the petitioner(s) seek(s) issuance of a writ for

quashing the impugned order dated 22.03.2013, circulated vide memo dated 04.04.2013 (Annexure P-7) whereby claim of the petitioners for grant of revised pay scale of Rs.570-1080 w.e.f. 01.01.1984 and Rs.1500-2640 w.e.f. 01.01.1986 was rejected.

Learned counsel for the petitioner(s) state that initially the petitioners were appointed as Agriculture Sub Inspectors in the Department of Agriculture and subsequently, they were promoted to the post of Agriculture Development Officer, Chief Agriculture Officer etc. The Department of Agriculture was trifurcated into Agriculture, Soil Conservation and Engineering & Horticulture. Initially the pay scales of Agriculture Sub Inspector in all the departments were same but later on, on the basis of their nature of duties, the pay scales were changed. The higher pay scales have already been granted to the Agriculture Sub Inspectors working in the Soil Conservation and Engineering Department, however, the petitioners have not been granted the benefit, hence the present writ petitions. Learned counsel for the petitioners further states that the case of the petitioners is squarely covered by judgment of this Court rendered in LPA No. 862 of 2000, decided on 20.03.2012, titled as **The Agricultural Sub Inspectors of Soil and Water Conservation and Waste Land Development Union (Punjab)** Vs. **Punjab State and others** (Annexure P-5).

The learned State counsel admits the above factual aspect of the matter.

Heard.

Vide order dated 05.08.2016, learned State counsel was directed to file an additional affidavit whether at the time of trifurcation of department any option was taken from the candidates who were working on the post of Agricultural Sub Inspector or not. In response to the order dated 05.08.2016, an affidavit of Deputy Director Agriculture (HQ), Punjab has been filed wherein it has been stated that due to elapse of long period, the record pertaining to the option taken by the candidates is not traceable. Thereafter, the State was again afforded an opportunity to file a comprehensive reply, vide order dated 09.03.2018 and in response thereto, reply by way of affidavit dated 15.03.2018 of Deputy Director, Agriculture (HQ), Punjab on behalf of respondent Nos. 1 and 2 has been filed. However, the reply is silent with regard to the option, if any, taken from the candidates at the relevant time. Therefore, the impugned order dated 22.03.2013 (Annexure P-7) deserves to be set aside. Consequently, the order dated 22.03.2013 (Annexure P-7) is hereby set aside and the present petitions are allowed in terms of judgment passed in LPA-862-2000 (Annexure P-5). The respondents are directed to consider the case of the petitioners in the light of Annexure P-5 and release the admissible benefits, within a period of three months from the date of receipt of a certified copy of this order.

22.03.2018
sumit.k

(JITENDRA CHAUHAN)
JUDGE

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