

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

(I) CWP-2063-2015

Date of decision-26.10.2018

Chanan Singh and others

...Petitioner(s)

Vs.

State of Punjab and others

...Respondent(s)

(II) CWP-9806-2015

Date of decision-26.10.2018

Kuldeep Singh and others

...Petitioner(s)

Vs.

State of Punjab and others

...Respondent(s)

(III) CWP-10570-2015

Date of decision-26.10.2018

Kashmir Singh and others

...Petitioner(s)

Vs.

State of Punjab and others

...Respondent(s)

(IV) CWP-9840-2015

Date of decision-26.10.2018

Sakatar Singh and others

...Petitioner(s)

Vs.

State of Punjab and others

...Respondent(s)

(V) CWP-26071-2015

Date of decision-26.10.2018

Varinder Kumar and others

...Petitioner(s)

Vs.

State of Punjab and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Kartik Gupta, Advocate for the petitioner(s)
in CWP Nos.2063, 9806, 10570 and 9840 of 2015.

None for the petitioner(s) in CWP-26071-2015.

Ms. Bhawna Gupta, DAG, Punjab.

JITENDRA CHAUHAN, J.

The above noticed five writ petitions are being disposed of by this common judgment as the facts involved and the relief claimed is similar in all the petitions. However, for brevity, the facts are being derived from CWP-2063-2015.

Petitioner Nos.1 to 37 are working as Medical Laboratory Technician-I (MLT-I); petitioner Nos.38 to 55 as Medical Laboratory Technician-II (MLT-II), whereas, petitioner Nos.56 and 57 as Senior Medical Laboratory Technician (SMLT), in the Department of Health and Family Welfare, Punjab. The grouse of the petitioners is that the pay scale of MLT-I was similar to that of Nursing Sister since 01.01.1986. Similarly, the pay scale of MLT-II was similar to that of the Pharmacist and Health Supervisor, whereas, SMLT was getting pay equivalent to Nursing Superintendent. However, an anomaly has been created w.e.f. 11.12.2011 and the pay of MLT-I, MLT-II and SMLT has been lowered than the comparable cadres as reflected above.

Learned counsel for the petitioner(s) states that a similar controversy came up for consideration before this Court in ***Jaswinder Singh and others Vs. State of Punjab and others***, bearing CWP-19659-2012 decided on 05.12.2014 (Annexure P-5), wherein, the following directions were issued:-

“The petitioners would be free to raise this grievance before the 3rd respondent by a separate representation which may also be considered and decided but not within the time frame fixed hereafter for the main relief. It is expected that the issue of promotional avenues will be considered and decided within a reasonable time so that people are not compelled to retire on the same post without securing any further benefit by way of upgradation in pay and status or a functional promotion without necessarily performing the duties and responsibilities of a higher post.

Without expressing any opinion on the merits of the claim, a direction is issued to 3rd respondent to re-examine the matter within two months from the date of receipt of certified copy of this order and pass a reasoned order which would be communicated to the petitioners without delay. In case, 3rd respondent finds that the benefit of higher Grade Pay is admissible and the claim valid he need not pass any speaking order and may operate the relief, if due, through office orders. However, in case, a different view has to be taken which may be adverse to the petitioners then they would have a right to be heard and the necessity of passing a speaking

order would arise.”

Learned counsel states that at this stage, he would be satisfied, if a direction is issued to respondent No.3-The Director, Health Services, Punjab, Sector 34, Chandigarh, in the same terms as in Jaswinder Singh's case (supra).

Learned State counsel submits that she has no objection in case the prayer made is accepted

Heard.

In view of the above, the present petitions are disposed of in the same terms as in Jaswinder Singh's case (supra) with a direction to respondent No.3- The Director, Health Services, Punjab, Sector 34, Chandigarh, to consider and decide the claim of the petitioners in all the petitions within two months from the date of receipt of certified copy of the judgment. In case, on consideration, the competent authority reaches to the conclusion that the benefit claimed by the petitioners is admissible to them, in such eventuality, the consequential relief be allowed to them within a period of six weeks thereafter. However, if the competent authority feels that the relief claimed by the petitioners is not admissible to them or made out, in that case, a speaking order be passed in the matter.

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

26.10.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No