

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

**CWP-25402-2013 (O&M)
Date of decision : 29.08.2018**

Om Parkash Puri

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Parveen Kumar Garg, Advocate,
for the petitioner(s).

Ms. Harsimrat Rai, DAG, Punjab.

JITENDRA CHAUHAN, J.

The petitioner, *inter alia*, is aggrieved against the action of the respondents whereby his pay has been fixed lower than the employees, namely SI Karam Chand and SI Des Raj, junior to him.

It is contended that while re-fixing the pay of the petitioner vide order dated 28.05.2012 (Annexure P-13), the respondents have wrongly ignored the pay granted to SI Karam Chand and SI Des Raj. Further, the petitioner submitted representations dated 24.12.2012 (Annexure P-15) and dated 04.03.2013 (Annexure P-15A), for setting right his pay. The petitioner cited cases of SI Karam Chand and SI Des Raj to contend that despite being junior to the petitioner, they have been getting higher salary. The claim of the petitioner was again wrongly rejected by the

Senior Superintendent of Police, Ferozepur, vide impugned order dated

08.04.2013 (Annexure P-16).

On the other hand, learned State counsel submits that the pay of the petitioner has been correctly fixed vide order dated 28.05.2012 (Annexure P-13). Before re-fixation of pay, the petitioner had also sworn an affidavit to the effect that he shall not be entitled to any arrears, if any, occurred due to re-fixing of pay. The claim of the petitioner was rightly rejected as the pay of cited employees had been wrongly fixed.

Heard.

It is to be noticed that the petitioner is being denied pay at par with SI Karam Chand and SI Des Raj on the ground that the pay of the cited employees had been wrongly fixed. However, neither the fact that the petitioner is senior to said employees has been denied, nor any document has been placed on record that the mistake committed while fixation of their pay has been rectified. Merely by making a statement that the pay of SI Karam Chand and SI Des Raj has been wrongly fixed, and thus, the petitioner could not be brought at par with his juniors for the purposes of pay and allowances, would not suffice as no corrective measures have been taken by the respondents. The petitioners have not been able to deny the factual position that the petitioner is senior to said employees and getting lesser pay.

In this view of the matter, the instant petition is allowed. The respondents are directed to step-up the pay of the petitioner at par with SI Karam Chand and SI Des Raj. The necessary exercise be completed and arrears thereof be paid to the petitioner within a period of three months from

the date of receipt of a certified copy of this judgment.

29.08.2018
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(JITENDRA CHAUHAN)
JUDGE

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