

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

CWP No.22802 of 2015.

Date of Decision: 08.02.2018.

Baaj Singh and others

... Petitioners

Versus

Shiromani Gurudwara Prabhandhak Committee and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. B.S. Randhawa, Advocate,
for the petitioners.

Mr. P.S. Thiara, Advocate,
for respondent Nos. 1 & 2.

JITENDRA CHAUHAN.J.

This civil writ petition has been filed for issuance of a writ in the nature of mandamus directing the respondents to grant the pay scale, grade pay and arrears to the petitioners as have been given to other co-employees.

The petitioners were appointed as regular Sewadars vide resolution dated 01.07.2003 (Annexure P-1) on the pay scale of Rs.2420-7520. The petitioners were posted at Gurdwara Guru Ka Bagh Ghukewali, District Amritsar which was being managed by the Local Gurdwara Committee. As per the notification issued by the Ministry of Home of Affairs on 26.08.2003, the Gurudwaras with the annual income exceeding Rs.20,000/- were brought within the direct control of the Shiromani Gurudwara Prabhandak Committee, Amritsar (for short

“the SGPC”) under Section 85 of the Sikh Gurdwara Act. Accordingly, Gurudwara Guru Ka Bagh Ghukewali is now being controlled by the SGPC, Amritsar. Once the SGPC has taken over the charge, the employees also become part and parcel of the SGPC. The petitioners moved representation to the respondents to grant them pay scales, grade pay and arrears as have been given to similarly situated persons but till date no action has been taken thereon. It has been further pleaded that a similar set of employees approached this Court for restoration of regular pay scales and grades in CWP No. 15958 of 2003 which was allowed.

The stand taken by the respondents in their written statement is that the petitioners never approached this Court in the year 2003, therefore, the benefit of the judgment passed in CWP No.15958 of 2003 cannot be given to them.

Heard.

The controversy raised in the present writ petition has already been decided by this Court in CWP No.15958 of 2003. The relevant paragraph of the judgements are reproduced as under:-

“After considering the whole issue and more particularly in view of the discussion made in the fore-going paras regarding the employment of the employees prior to July, 2003 having been protected by this Court, I am of the opinion that the respondents could not reduce the pay of the petitioners to their detriment more particularly when they had agreed to restore the status quo ante in the earlier petition by reverting

back to the pay/grades admissible to the petitioners at the time of their employment. There would be no justification for the respondents to reduce the pay scale of the petitioners merely on the ground that now by virtue of the notification, they fall within the ambit and control of the management of the S.G.P.C.

For the aforesaid reasons, I am of the view that once the appointment of the petitioners had been validated, they would continue to be entitled to the pay/grades which were admissible to them at the time of their employment.

Resolution No.1000 dated 10.10.2006 is quashed and the respondents are directed to recalculate the arrears as admissible to the petitioners on account of the order being passed now and pay the same to the petitioners as expeditiously, as possible, but not later than six months from the date of receipt of a certified copy of this order.”

In view of above, this Court is of the opinion that there is no reasonable ground to deny the benefit of the aforesaid judgments to the petitioners as well particularly when the similarly situated persons are getting the regular pay scale, the petitioners cannot be disallowed the same benefit. Consequently, the present writ petition is allowed. The respondents are directed to grant the pay scale along with grade pay to the petitioners in the similar manner as have been given to the petitioners in CWP No. 15958 of 2003.

08.02.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No