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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.3303 of 2013 (O&M)
Date of decision: 16.3.2018

Ashok Kumar and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr.R.K.Malik, Sr.Advocate with
Mrs.Rimple Soni Kadyan, Advocate for the petitioners.

Mr.RBS Chahal, Addl.AG Punjab.

Mr.Amit Chaudhary, Advocate.

P.B.BAJANTHRI, J. (Oral)

In the instant petition, petitioners have prayed for the following relief:

- (i) A writ in the nature of certiorari be issued to quash the decision (P-9 and P-10) by which the petitioners have been ordered to be deprived the pay scales which the petitioners are getting w.e.f. 1.12.2011 and further direction be issued not to reduce the pay scales of the petitioners;
- (ii) a further writ in the nature of mandamus be issued to grant higher pay scales to the petitioners' categories by implementing the Shetty Pay Commission's report w.e.f. 1.1.2006 and 1.12.2011, respectively and the petitioners be paid all arrears with market rate interest"

2. Letters (Annexures P-9 and P-10) i.e. internal communication between State of Punjab and Registrar General of this Court are for taking

necessary action with reference to State Government. Further, Registrar

General of this Court has not acted upon while re-fixing the petitioners' pay or ordered for recovery, if any. In other words, the present petition is premature insofar as the re-fixation and recovery from the petitioners is concerned. Consequently, the present petition does not survive for consideration. Accordingly, the petition stands disposed of. Reserving liberty to the petitioners to challenge their pay slip by which their pay has been reduced. However, if the intention of the Registrar General, Punjab and Haryana High Court has to act upon Annexures P-9 and P-10 in that event principle of natural justice shall be complied to the extent of issuance of show cause notice and obtaining explanation from the petitioners.

3. Despite disposing of this petition, learned Senior counsel has gone arguing the matter stating that Registrar General, High Court has reduced their pay and ordered for recovery. In the absence of specific order and so also challenge to that order or action in the present petition such issues cannot be gone into.

(P.B.BAJANTHRI)
JUDGE

16.3.2018

Meenu

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