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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3744-2014

Date of decision-05.09.2018

Kuldip Singh and others

....Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Surmukh Singh, Advocate for the petitioners.

Ms. Kanica Sachdeva, AAG, Punjab assisted by
Mr. K.Sanjeev Nangal, CEO Ropar.

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of mandamus directing respondent Nos.1 and 2 to grant approval to respondent No.3 to extent the benefit of order dated 23.09.2011 (Annexure P-7) whereby new revised pay scale w.e.f. 01.01.1986 instead of 12.08.1991 has been granted to the petitioners.

Learned counsel contends that case of the petitioners is covered by a judgment passed by this Court in CWP-17941-2011, titled as “**Sandeep Vashisht and others Vs. State of Punjab and others**” decided on 23.09.2011 (Annexure P-7).

Learned State counsel acknowledge the factum that case of the petitioners is covered by order dated 23.09.2011 (Annexure P-7).

Heard.

This Court in CWP No.16856-2009 and other connected matters, titled as “**Tehal Singh and others Vs. State of Punjab through Secy.Ministry of Agriculture**” decided the controversy in question by passing a detailed order dated 02.03.2010. The case of the petitioner is squarely covered by the aforesaid judgment dated 02.03.2010. The operative paragraph of the judgment reads as under:-

*“The petitioners are members of the Punjab Agricultural Service (Class-I) and are working as such on various posts in the Agriculture and Horticulture Department, Government of Punjab. They seek a mandamus to direct the respondents to grant them pre-revised pay scale of Rs.2200-4000 w.e.f. 01.01.1986 with consequential revisions from later dates, in terms of the decision dated September 29, 2006 passed by this Court in CWP No.457 of 1995 titled as **Prem Singh Gill and others vs. State of Punjab** (Annexure P3).*

(3). Notice of motion was issued and in response thereto, the respondents have filed their counter-reply/affidavit, wherein, it is averred that since the petitioners were not party to the above-mentioned writ petition, the benefit has not been granted to them. However, their claims are under consideration.

(4). The respondents have broadly not disputed the entitlement of the petitioners for the afore-stated payscale though with a caveat that the petitioners kept on sleeping over their rights.

*(5). Having heard learned counsel for the parties and considering the above-mentioned stand taken on behalf of the respondents, the writ petition is, accordingly, disposed of with a direction to the respondents to consider their claim for grant of above-mentioned higher pay-scale(s) with effect from the due date(s) in terms of the decision of this Court in **Prem Singh***

*Gill’s case (supra) and pass the appropriate order(s) as early as possible and preferably within a period of four months from the date of receipt of a certified copy of this order. The necessary consequential service benefits shall also be granted to the petitioners in terms of **Prem Singh Gill’s** case (supra).”*

In view of the above, the present petition is allowed in the same terms as in CWP-16856-2009.

(JITENDRA CHAUHAN)
JUDGE

05.09.2018
vanita

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