

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

CWP-6352-2013 (O&M)
Date of decision : 31.08.2018

Jagjit Singh and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajesh Bansal, Advocate,
for the petitioner(s).

Ms. Ambika Bedi, AAG, Punjab.

JITENDRA CHAUHAN, J.

Prayer in the instant petition filed under Articles 226/227 of the Constitution of India, is for issuance of a direction to the respondents to grant Conveyance Allowance to the petitioners.

The claim of the petitioners qua grant of Conveyance Allowance has been rejected by the respondents vide order dated 07.01.2013 (Annexure P-17) on the ground that the duties of Junior Engineers involve considerable touring, while the petitioner are not required to supervise the execution of works undertaken by the Government and thus, operate largely from their work place.

On 23.08.2018, this Court observed as under:-

“The relief is being denied to the petitioners on the ground that a specific building/office has been allotted to the petitioners for ensuring the supply of electricity and the physical movement is not involved in the process. But there is no explanation as to how the

relief denied to the petitioners is admissible to the officials reflected in para number 3 of the writ petition.

The State is directed to file a specific affidavit giving the profile and nature of job of the employees mentioned in para number 3 of the writ petition and whether they operate from the office or they have to visit the site(s) like the Junior Engineers mentioned in preliminary submissions at para No.2 of the reply dated 24.09.2013. The State shall also reflect as to how the petitioners are not covered by notification dated 19.05.1998 (Annexure P8) issued by the department of Finance and further clarify as to what action the State proposes to take against the concerned Executive Engineer who allowed the relief sought by the employees in the district of Amritsar and whether the recovery is to be effected from the JE/SDO or the beneficiaries.

Post again on 31.8.2018.

A copy of this order be given to learned State counsel under the signatures of Bench Secretary.

Photocopy of this order be placed on the connected file.”

In compliance of the aforesaid order, affidavit of Superintending Engineer (Electrical) PWD (B&R), Patiala, has been filed in the Court, which is taken on record.

From the perusal of the affidavit, it transpires that unlike the Junior Engineers working in the Department, the officials mentioned in para No.3 of the writ petition, i.e. Senior Assistant, Junior Auditor/Auditor, Senior Scale Stenographer, Steno Typist and Clerk, though operate from

their work place(s), like the petitioners, but are being granted Conveyance Allowance in pursuance of Instructions dated 19.05.2011 (Annexure P-1).

Keeping in view the above, this Court feels that denial of Conveyance Allowance to the petitioners is discriminatory, particularly, when the similarly situated employees like Senior Assistant, Auditor, etc., who have to operate from their work place, are getting the same benefit.

In view of the above, the petitioners are held entitled to the Conveyance Allowance as admissible to the employees who are placed in the same/similar pay scale as that of the petitioners and already getting the benefit in terms of notification dated 19.05.2011 (Annexure P-1).

At this stage, learned counsel does not press the issue with regard to grant of revised pay scale at this stage with liberty to approach the competent authority. Ordered accordingly.

Writ petition is disposed of in the above terms.

31.08.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No