

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

(I) CWP-4456-2016 (O&M)
Date of decision : 24.05.2018

Kanta Kumari and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

(II) CWP-4781-2016 (O&M)
Date of decision : 24.05.2018

Anita Sharma and another

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

(III) CWP-6354-2016 (O&M)
Date of decision : 24.05.2018

Balwinder Singh and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

(IV) CWP-6361-2016 (O&M)
Date of decision : 24.05.2018

Netar Singh and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R.K. Arya, Advocate,
for the petitioner(s).

Ms. Sudeepti Sharma, Addl.A.G., Punjab.

JITENDRA CHAUHAN, J.

The present batch of four petitions is being disposed of by this single judgment as the controversy involved therein is common. However, for brevity, the facts are being derived from CWP-4456-2016.

On 03.11.2017, the following order was passed:-

*“Learned counsel representing the petitioners would contend that the controversy raised in the instant petition would be covered in terms of directions issued by a Coordinate Bench in **CWP-18466-2014** decided on 26.04.2017 (**Anuj Kumar Sharma & another Vs. State of Punjab**) and other connected petitions.*

*In the case of **Anuj Kumar Sharma (supra)**, the matter has been referred to the Finance Department/The Pay Anomaly Committee to look into the grievance as regards dis-parity in the pay scales that were granted.*

*A copy of the judgment in **Anuj Kumar Sharma's case (supra)** has been furnished to learned State counsel and who would complete instructions as to whether the same course of action can be adopted even in the present writ petition.*

List on 18.12.2017.

A photocopy of this order be placed on the connected files of this case.”

Learned State counsel has conceded that the case of the petitioners would be covered in terms of directions issued in **Anuj Kumar**

Sharma's case (supra), the operative portion of which reads thus:-

“9. The Finance Department by Instructions dated 23.05.2012 has issued a direction that 'only those proposals for revision of pay scale of employees is to be submitted to finance Department in which the anomaly has arisen as a consequence of re-revision of pay scale of a post on the recommendations of the Cabinet Sub-Committee whereby the pay scale of promotional post has become lower than the pay scale of the feeder post'. The instant case is a fit case to be placed before the Finance Department or before the Pay Anomaly Committee for consideration of removal of the pay anomaly that has been created. The petitioners herein are Telephone Attendants who were in the same pay scale as Clerks, Constables, Photostat Machine Operators etc. A post of a Clerk can be filled up by promotion from Restorers who has the necessary qualification and at serial No.19 the only source of recruitment to the post of Telephones Attendant is by promotion from the post of Restorers. Therefore, a person being promoted to a higher post cannot under any circumstances be in a lower pay scale.

10. In view of the above situation, where an anomaly has arisen in the pay scale of the petitioners being higher in post than the Restorers, while getting a lower pay scale, it is directed that this matter be placed before the Finance Department in view of this own Instructions dated 23.05.2012 for consideration of removal of pay anomaly of the petitioners herein while keeping the judgment rendered in **Gurbir Singh's** case (supra) in mind where Restorers pay scale has been brought on par with Clerks.

11. Let his matter be considered by the Finance

Department/or the Pay Anomaly Committee in its true perspective within a period of four months on receipt of a certified copy of this order. Needless to say in case the claim of the petitioners is being rejected, a speaking order be passed in this regard, which the petitioners would be at liberty to challenge. In case claim of the petitioners has merit, the monetary benefits including difference of arrears of pay accruing there from be calculated and paid to the petitioners within 2 months thereafter.”

In view of the stand taken by the parties and the directions given in Anuj Kumar Sharma's case (supra), the instant writ petition is disposed of in the same terms.

24.05.2018
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(JITENDRA CHAUHAN)
JUDGE

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