

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

CWP-9344-2017

Date of decision: 30.1.2018

Kishore Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.SK Rattan, Advocate for the petitioners

Mr.Suveer Sheokand, Addl.AG, Punjab

JITENDRA CHAUHAN, J.

The present writ petition under Articles 226/227 of the Constitution of India has been filed for issuance a writ in the nature of mandamus directing the respondents to allow the petitioners to change their option for grant of revised pay scales w.e.f. 1.11.2006 instead of their earlier option w.e.f. 1.1.2006 in terms of the Punjab Civil Services (Revised pay Scales) Rules, 2009.

Learned counsel for the petitioners submits that he does not claim any arrears prior to the filing of the present writ petition and the same may be admissible from the date of filing of the present petition.

In para No.3 of the reply dated 15.1.2018 filed by the State, it has been averred that in compliance of the judgment passed in CWP-18644-2015 titled “Gurmit Singh and others vs. State of Punjab and others” the

Department of Finance, Government of Punjab had issued a letter dated 15.3.2017 (Annexure R-1) vide which, the claim of similarly placed employees was considered and they have been allowed to change their option in the new pay scales w.e.f. 1.11.2006 instead of w.e.f. 1.1.2006 and now their pay have been refixed as per their option w.e.f. 1.11.2006 and therefore, the grievances of the petitioners have been redressed.

Para No.2 of Annexure R-1/T, annexed with the reply filed by the State, reads as under:-

“2. In view of the proposal received from you vide letter under reference with regard to the case cited in the subject, the Finance Department (Fin-personnel-2 Branch) vide its letter Endst. No.10/37/2016-1 FP2/939143/1 dated 15.03.2017 (copy enclosed) copy of the consent is hereby sent as per the following for further necessary action:

“In the case cited in the subject and other similar writ petitions, as per para No.5 of the order passed by the Hon'ble High Court dated 11.03.2016, the consent is hereby given by the Finance Department for giving benefits on notional basis due to change of option by the petitioners on the condition that salary / pensionary benefits be given to the petitioners from the date of filing petitions by re-fixing their salaries.”

In view of the above, the present petition is disposed of as

having been rendered infructuous. Since the petitioners are not claiming any arrears prior to the date of filing of the present writ petition, it is directed that the arrears of the petitioners be calculated from the date of filing of the present petition and be paid within three months from the date of receipt of the certified copy of this judgment.

30.1.2018
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?	Yes	/	No
Whether reportable?	Yes	/	No