

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 9709 of 2017

DECIDED ON: JANUARY 24, 2018

MALKIT SINGH & ORS.

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.S. Rangpuri, Advocate
for the petitioners.

Mr. TPS Chawla, DAG, Punjab.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioners have sought a writ in the nature of mandamus directing the respondents to re-fix their pay in the pay scale of 3120-6200 as on January 01, 1996 by extending the benefit of judgment dated April 03, 2014 passed in CWP No. 7005 of 2001 (P-1) titled as *Joga Singh & others vs. State of Punjab;* passed by this Court, which has attained finality upto the Hon'ble Apex Court and grant pay parity to them in the same manner as given to the petitioners in Joga Singh's case supra, along-with all consequential benefits, such as re-fixation of pension, revised retiral benefits, arrears etc.

2. Concededly, petitioners are entitled to the benefit of judgment dated April 03, 2014 passed by this Court in CWP No. 7005 of 2001 (P-1) titled as *Joga Singh & others vs. State of Punjab;* which otherwise has attained finality

upto the Hon'ble Apex Court. Para 2 of the reply dated May 27, 2017 (R-1) to the legal notice is relevant for the disposal of instant petition, which reads as under:

“2. That in reply to para No.2 of the notice, it is submitted that on receipt of present notice, record of 57 officials mentioned in the notice has been thoroughly perused and it has been found that the pay of 48 officials mentioned in the notice was fixed in the pay scale of 3120-5160 w.e.f. 01.01.1996 whereas, the pay of 9 officials had already been fixed in the pay scale of 3120-6200 w.e.f. 01.01.1996 in the running scale. As per the opinion of Deputy District Attorney, (Legal), Bathinda in this regard, it has been decided that the cases of 48 officials mentioned in the notice are squarely covered by the judgment dated 03.04.2014 passed by this Court in CWP No. 7005 of 2001 titled as Joga Singh and others versus State of Punjab and others and judgment dated 01.12.2016 passed by this Court in CWP No. 7292 of 2004 titled as Bharpur Singh & others v/s State of Punjab and others. Hence, they are entitled for the said benefit and their pay is being fixed accordingly, whereas, the pay of 9 officials mentioned below had already been fixed in the pay scale of 3120-6200 w.e.f. 01.01.1996 in the running scale. Hence, they are not entitled for re-fixation of their pay as alleged in this para of the notice.

- 1. HC Darshan Singh No. 1014/BTA*
- 2. HC Shinder Pal Singh No. 402/BTA*
- 3. HC Manjit Singh No. 376/BTA*
- 4. HC Ranjit Singh No. 668/BTA*
- 5. HC Darshan Singh No. 1351/BTA*
- 6. HC Bhola Singh No. 255/BTA*
- 7. HC Satpal Singh No. 738/BTA*
- 8. HC Roop Singh No. 1276/BTA*
- 9. HC Darshan Singh No. 1306/BTA”*

3. A glance at the afore-said paragraph No.2 of the reply dated May 27, 2017 transpires that out of 57 petitioners/officials, the pay of nine petitioners/officials has already been re-fixed w.e.f. January 01, 1996 in the pay scale 3120-6200 in the running scale whereas, the other 48 petitioners/officials though have been found to be entitled to the afore-said benefit but their case for the grant of afore-said benefit has already extended to the other employees in view of *Joga Singh's case supra*, is under active consideration of the Government. One thing is evident that they are also entitled to the same benefit, which has already been accorded/granted to the other nine petitioners/officials whose names are mentioned at the end of paragraph No.2 of the reply (R-2).

4. At this juncture, learned counsel for the petitioners suggests that the instant petition be disposed of by giving direction to respondents to take up the case of remaining petitioners and to disburse the arrears etc. accrued to them on account of their re-fixation of pay within some stipulated period.

5. Accordingly, instant petition is disposed of with a direction to respondents to complete the procedure and other formalities and grant the necessary benefit to the remaining petitioners/officials within a period of four months from the date of receipt of certified copy of this order. In case of non-compliance of afore-said order/direction, petitioners shall be entitled to interest @ 9% per annum on the delayed payment(s) from the date of filing of instant petition till its actual payment. Petitioners are also at liberty to approach this Court for getting the order implemented.

JANUARY 24, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*