

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.2064 of 2017 (O&M)

in CWP No.2841 of 2015

Date of decision: 22.02.2018

Devinder Singh and another

..... Appellants

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL.
HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. M.K. Dogra, Advocate for the appellants.

Rajesh Bindal, J.

This order will dispose of bunch of appeals bearing LPA Nos.2064, 2104, 1914 to 1916, 1936, 1937, 1985 and 1990 of 2017 whereby the writ petitions filed by the appellants were partly allowed to the extent that recovery of the amount already paid to them in the pay-scales already granted was set aside whereas the re-fixation was upheld. Along with the appeals, applications seeking condonation of delay in filing/re-filing thereof have also been filed.

For the purpose of entitlement of pay-scale, reliance was placed on an earlier order passed by this Court in CWP No.22296 of 2011 titled as 'Thein Dam Workers Union v. State of Punjab and others' decided on 27.02.2016. It is not in dispute that Special Leave Petition against the aforesaid Division Bench judgment of this Court was dismissed by Hon'ble the Supreme Court vide order dated 04.09.2009 passed in SLP (CC) No.12768 of 2009. The learned Single Judge relied upon the judgment of

this Court in Thein Dam Workers Union' case (supra) where identical issue was involved for denying relief of fixation of pay in the scale of ₹1200 - 2100 whereas as far as recovery of the amount already paid, judgment of Hon'ble the Supreme Court in **State of Punjab v. Rafiq Masih (White Washer) and others, 2015 (1) RSJ 177** was relied upon.

Once the legal issue involved was already settled by a Division Bench of this Court as far as entitlement of the appellants to the pay-scale is concerned, we find that the present appeals are totally frivolous and deserve to be dismissed with costs of ₹25,000/- in each case. The amount be deposited with the Registry of this Court within two months. Consequently, the applications seeking condonation of delay of filing/refiling of the appeal(s) are also dismissed.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

22.02.2018
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1. Whether speaking/reasoned : Yes/No.
2. Whether reportable : Yes/No.