

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6251-1998(O&M)
DECIDED ON: 19.11.2019

Mrs. Harjit Kaur

.. Petitioner

Versus

State of Punjab & Ors.

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. J.S. Maanipur, Advocate with
Mr. Harpreet Kaur, Advocate and
Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG Punjab.

ARUN MONGA, J. (ORAL)

1. Short controversy, requiring adjudication in the present petition is, whether the petitioner is entitled to pay scale commensurate with her post on which she was appointed i.e. Library Assistant.

2. I have heard learned counsel for the petitioner as also learned State counsel representing respondents No.1 and 2 and have gone through the pleadings appended thereto.

3. The petitioner was appointed as Library Assistant on 28.11.1978 as per appointment letter contained at Annexure P-3. In the appointment letter, it was clearly stated that her post would carry unrevised pay scale of Rs.60-5-150. The said pay scale was revised to Rs.450-15-525 with effect from 01.09.1978, as borne out from circular/ memo dated 28.03.1989, contained at Annexure P-7. The said memo has been issued by respondent No.2 i.e. Director of Public Instructions(Colleges) Punjab, who has passed the order dated 13.02.1998(Annexure P-11), which is impugned herein, declining claim to the petitioner to accord her the benefit of revised pay scale.

4. Having perused the impugned order, not only the same is non-speaking and cryptic but also no reasons have been stated whatsoever with regard to the non-admissibility of the revised pay scale to the petitioner. The order cryptically states that in the considered view of the competent authority (DPI) the petitioner is not entitled to claim pay scale of Rs.450-15-525. No murmur or whisper is there with regard to any reasoning as to what transpired in the mind of the competent authority to take the said view.

5. In view of the conceded position that the Director Public Instructions has issued the memo/ circular dated 13.02.1998 intimating the revision of the pay scale of Library Assistant with effect from 01.09.1978 from Rs.60-5-150 to Rs.450-15-525, the impugned order dated 13.02.1998(Annexure P-11) is not sustainable in law being unreasonable and arbitrary and the same is accordingly set aside.

6. The writ petition is allowed with a direction to the respondents to accord the benefit of revision of pay scale to the petitioner by placing her in the pay scale of Rs.450-15-525 w.e.f. 01.09.1978, followed by Rs.1200-2100 with effect from 01.01.1986 with all consequential benefits arising therefrom.

7. Let the necessary calculation qua the arrears of salary be carried out within a period of two months. The petitioner shall also be entitled to interest @ 6% per annum on the arrears to be paid to her with effect from the date of entitlement till the actual disbursement.

(ARUN MONGA)
JUDGE

19.11.2019

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No