

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

**CWP No 14839 of 2019(O&M)
Date of decision : 25.07.2019**

**The Punjab Process Serving Establishment
Union**

..... Petitioner

versus

**The High Court of Punjab and Haryana,
Chandigarh and another**

..... Respondents

**CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Saurabh Arora, Advocate for the petitioner.

 Mr.Gaurav Chopra, Advocate for respondent No.1.

 Ms.Simran Grewal, AAG, Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

CM No. 10796 of 2019

 Application allowed as prayed for. Annexure P-8 is taken on
record.

CWP-14839-2019

 The representation made the basis of this petition for seeking a
mandamus to remove an anomaly in the grade pay of the Process Servers
was made in the year 2012 but has remained unresolved. No representation
thereafter has been made by the petitioner-The Punjab Process Serving
Establishment Union (for short 'the Union').

 Mr. Gaurav Chopra appearing for the High Court submits that
normally a mandamus would not issue until a representation embodying

current status of the grievance is made to the decision-making authority, which in this case is the State of Punjab as the State pays salaries to Process Servers working in the different Sessions Divisions in the State of Punjab.

Ex facie the anomaly is that the Punjab Government found no corresponding post of Process Server in any of its departments and as a result, the grade pay of the Process Servers became less than the feeder cadre posts i.e. Class-IV employees including *Daftaries*, *Ushers* and *Record Lifters*.

The salaries and grade pay of staff in the subordinate courts is governed by the recommendations of the Shetty Commission accepted by the State Government. The Shetty Commission had recommended that the pay scale of Process Servers in each State where there is a separate cadre of *Bailiff* should be the highest pay scale available in Group 'D'/Class-IV/Grade-IV employees in the respective State or the scale which is immediately below the pay scale of an LDC/LDA.

There is no doubt that *prima facie* the grievance requires remedial measures and the respondent-State would need to address the issue in order to remove the apparent anomaly. Needless to say that in the decision-making process the Finance Department, Government of Punjab would play a key role in view of the financial angle involved in the prayer of the Union.

Without expressing any opinion on the merits of the case this petition is disposed of with a direction to the State of Punjab to consider, decide and resolve the issue within two months from the date of submission of the representation. The petitioner-Union may forward a copy of the

representation to the Registrar General of this Court for his information. In case the decision is in favour of the petitioner-Union then the financial benefits be disbursed to the Process Servers expeditiously.

With these directions the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

25.07.2019
sunita

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