

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

**CWP-1912 of 2012 (O&M)
Date of decision: 10.07.2019**

Jaspal Singh Naroo and another Petitioners

versus

State of Punjab and others Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Arora, Advocate
for the petitioners.

Mr. Vikas Mohan Gupta, Addl. A.G. Punjab

HARSIMRAN SINGH SETHI, J.

Counsel for the petitioners argues that vide impugned order dated 18.10.2011 (Annexure P/13), the request of the petitioners for the grant of pay scale of Rs.140-300 on the basis of technical qualification from the date of appointment has been rejected on the ground that instructions which have been issued by the Government on 30.06.2011 (Annexure P/10) only pertains to the Water Supply and Sanitation Department and not to other departments. Counsel for the petitioner submits that the instructions which have been issued by the Government on 30.06.2011 i.e. Annexure P/10 have been issued in pursuance to the decision rendered by this Court in LPA No.44 of 2009 which was filed in respect of the decision rendered in CWP No.10759 of 1990. Counsel for the petitioners argues that the decision which has been rendered by the Division Bench of this Court is applicable to all the departments, therefore, rejection of their plea for considering their case for grant of pay scale of Rs.140-300 on the basis of technical qualification from the date of appointment i.e. 01.01.1970 has wrongly been rejected by the Government.

Counsel for the respondents is unable to dispute that instructions dated 30.06.2011 (Annexure P/10) were issued keeping in view the order passed by this Court in LPA No.44 of 2009 and, therefore, order passed by this Court is applicable to all the departments and cannot be restricted to one department.

Counsel for the respondents very fairly states that the order dated 18.10.2011 (Annexure P/13) has been passed by the respondents on technicalities and the case of the petitioner will be considered afresh on merits for grant of said benefit, if any, by passing an appropriate speaking order, keeping in view the facts and circumstances of their case, in accordance with law. Counsel for the respondents further states that the speaking order will be passed within a period of four months from the date of receipt of certified copy of this order.

Counsel for the petitioners further states that they be also given a liberty to file a fresh representation with the respondents, which may also be taken into consideration while deciding the case of the petitioners. Counsel for the respondents has no objection, if any representation is to be filed by the petitioners within a period of three weeks from the date of receipt of copy of this order and the same will also be considered by the respondents while passing an appropriate speaking order as undertaken.

The present petition stands disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

10.07.2019

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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |