

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-20464-2019

Date of Decision : July 25, 2019

Amar Singh and others

...Petitioners

vs.

State of Punjab and Ors

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Prateek Pandit, Advocate
for the petitioners.

Ms. Anu Chatrath, Sr. Advocate with
Ms. Ambika Bedi, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Grievance of the petitioners is that they are not being granted pay scale of Rs.10300-34800 plus Grade Pay 4200 given to the Medical Laboratory Technician Grade-II (MLT-II) and scale of Rs. 10300-34800 + Grade Pay 4800 given to the Medical Laboratory Technician Grade-I (MLT-I) alongwith all consequential benefits including higher senior scale and selection grades with effect from 11.12.2011, whereby, the similarly placed cadres have been granted the enhanced Grade Pay on the principal of 'equal pay of equal work' as has been availed by the others and as also recommended by the Director, Health Services vide Notification dated 8.11.2011 (Annexure P-3)

Learned counsel for the petitioners states that a similar controversy came up for consideration before this Court in ***Jaswinder Singh and others Vs. State of Punjab and others***, bearing CWP-19659-2012 decided on 05.12.2014 (Annexure P-5), wherein, the following directions were issued:-

“The petitioners would be free to raise this

grievance before the 3rd respondent by a separate representation which may also be considered and decided but not within the time frame fixed hereafter for the main relief. It is expected that the issue of promotional avenues will be considered and decided within a reasonable time so that people are not compelled to retire on the same post without securing any further benefit by way of upgradation in pay and status or a functional promotion without necessarily performing the duties and responsibilities of a higher post.

Without expressing any opinion on the merits of the claim, a direction is issued to 3rd respondent to re-examine the matter within two months from the date of receipt of certified copy of this order and pass a reasoned order which would be communicated to the petitioners without delay. In case, 3rd respondent finds that the benefit of higher Grade Pay is admissible and the claim valid he need not pass any speaking order and may operate the relief, if due, through office orders. However, in case, a different view has to be taken which may be adverse to the petitioners then they would have a right to be heard and the necessity of passing a speaking order would arise.”

2. Learned counsel states that at this stage, he would be satisfied, if a direction is issued to respondent No.2-Director, Health and Family Welfare, Punjab, Sector 34, Chandigarh, in the same terms as in Jaswinder Singh's case (supra).

3. Notice of motion.

4. On advance service of copy of the petition, Ms. Anu Chatrath, Sr. Advocate with Ms. Ambika Bedi, AAG, Punjab, appears for the

respondent-State and submits that she has no objection in case the prayer made is accepted.

5. In the premise, without commenting on merits of the case, petition is disposed of with a direction to respondent No.2- Director, Health and Family Welfare, Punjab, Sector 34, Chandigarh to consider and decide the claim of the petitioners within two months from the date of receipt of certified copy of this order. In case, on consideration, the competent authority finds that the benefit claimed by the petitioners is admissible to them, in such eventuality, the consequential relief be allowed to them within a period of six weeks thereafter. However, if the competent authority feels that the relief claimed by the petitioners is not admissible to them, in that case, a speaking order be passed in the matter after granting them opportunity of being heard.

(ARUN MONGA)
JUDGE

July 25, 2019
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No