

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3766 of 2016

Date of decision: - 21.08.2019

Talwinder Singh and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Navdeep Chhabra, D.A.G., Punjab.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, petitioners are claiming the benefit of revised pay scale in terms of the Government Instructions dated 21.12.2011 (Annexure P-3) on the basis of which, the benefit to the similarly situated persons have been extended by this Court on 05.01.2012 while deciding CWP No. 23138 of 2010 titled as ***Dr. Naresh Kumar Kataria and others Vs. State of Punjab and others.*** Though, the other prayers have been made in the writ petition but the petitioners restrict their claim for the grant of benefit for which they are entitled under the Instructions dated 21.12.2011 (Annexure P-3) read with the order dated 05.01.2012 passed by this Court in CWP No. 23138 of 2010 titled as ***Dr. Naresh Kumar Kataria and others Vs. State of Punjab and others.***

The facts which have been mentioned in the writ petition are

that petitioner No.1 joined the department of Agriculture as an Agriculture Inspector on 14.09.1981. The said post was re-designated as a Horticulture Development Officer on which post, petitioner No.1 continued to work till he retired on 30.11.2002. Similarly, petitioner No.2 also joined as an Agriculture Inspector on 27.8.1964 and thereafter, he was promoted as Assistant Director, Horticulture and ultimately retired from service on 30.11.1996.

State of Punjab issued a Notification dated 18.9.1992 (Annexure P-1) by which, all the officers, who were working in the Horticulture Department, were brought in one cadre with Class I status. The post on which the petitioners were working, were given the pay scales of ₹2200-4000 at the time of entry into this Cadre. After service of 8 years, pay scale of ₹3000-4500 was given and after a period of 18 years, pay scale of ₹3700-5300 was given. These pay scales were given keeping in view the pay scales which were given to the officers working in Animal Husbandry & Fisheries Department.

State of Punjab further revised the pay scale of its employees vide Notification dated 19.5.1998 but w.r.e.f. 01.01.1996. In this revision, there was an anomaly created between the Officers working in the Agriculture/Horticulture Department and the Officers, who were working in the Animal Husbandry & Fisheries Department, though prior to the said revision i.e. 01.01.1996, they were getting the same pay scale. In the revision which was effected w.e.f. 01.01.1996, the Officers who were working in the Horticulture Department, were given the pay scale at the entry level of ₹7220-11660. They were to get a pay scale of ₹10025-15100 after 8 years of service and after 16 years of service, they were entitled to

pay scale of ₹12000-16350. The Officers, who were working in the Animal Husbandry & Fisheries Department i.e. The Veterinary Officers, were given a higher pay scale of ₹7880-13500 (with the start of ₹8000/-) and after the service of 4 years they were given a pay scale of ₹10025-15100 and after rendering 9 years of service they were given the pay scale of ₹12000-16350. The Officers working in the Animal Husbandry and Fisheries Department were also given a pay scale of ₹14300-18150 after rendering service of 14 years in the Cadre. The anomaly, which was there in the revision and effected from 01.01.1996, again continued when the pay scales were again revised w.e.f. 01.01.2006.

Aggrieved by the said anomaly, the Officers, who were working in the Horticulture Department, filed a writ petition bearing CWP No.23138 of 2010 titled as ***Dr. Naresh Kumar Kataria and others Vs. State of Punjab and others*** claiming the parity with the Veterinary Officers who were working in the Animal Husbandry & Fisheries Department on the ground that their posts were equated and prior to 01.01.1996, both the posts i.e. The Horticulture Officers and the Veterinary Officers were getting identical pay scale, which parity was disturbed w.e.f. 01.01.1996 and the disturbing of the said parity, was arbitrary and illegal and a prayer was made before this Court for the grant of same pay scale to the Officers working in the Horticulture Department as being given to the Veterinary Officers who were working in the Animal Husbandry & Fisheries Department. During the pendency of the said writ petition, State of Punjab reconsidered the matter and issued the Instructions dated 21.12.2011, appended as Annexure P-3 with the writ petition. Vide the said Instructions dated 21.12.2011 grievances of the employees of Horticulture Department were redressed

w.e.f. 01.12.2011 and not from 01.01.1996 as was being claimed by the Officers of the Horticulture Department. The said Instructions is as under:-

“No. 5/10/09-5FP1/1365
GOVERNMENT OF PUNJAB
DEPARTMENT OF FINANCE
(FINANCE PERSONNEL-I BRANCH)
Dated, Chandigarh, the 21st December, 2011

To

The Director Horticulture, Punjab,
Chandigarh

Sub: Revision of Pay Scales of certain categories of employees.

Sir,

I am directed to invite a reference to Punjab Government notification no. 5/10/090-5FP/207 dated 27.05.2009 and to pay that the Governor of Punjab is pleased to decide that the scales of pay of the following categories of employees, shall stand further revised as under with effect from the 01st December, 2011:-

Name of the Category of employees	Pre-revised scale of pay	<u>Revised scale of pay w.e.f. 1.1.2006</u>			<u>Revised scale of pay w.e.f. 1.1.2006</u>		
		Pay Band	Grade Pay	Initial pay	Pay Band	Grade Pay	Initial pay
	7220-11000 (entry scale)	10300-34800 (entry scale)	5000	18450	15600-39100 (entry scale)	5400	21000
Horticulture Development Officer Assistant Director,	10025-15100 (after 8 years of regular service in the entry scale)	15600-39100 (after 8 years of regular service in the entry scale)	6600	25250	15600-39100 (after 4 years of regular service in the entry scale)	66100	25250

Horticulture and Deputy Director, Horticulture	12000-16350 (after 16 years of regular service in the entry scale)	15600-39100 (after 16 years of regular service in the entry scale)	7800	31520	15600-39100 (after 9 years of regular service in the entry scale)	7600-31320	
					37400-67000 (after 14 years of regular service in the entry scale)	8600	46000

2. *The grant of above noted revised scales of pay shall be subject to the conditions laid down in the Assured Career Progression Scheme issued by the Department of Personnel vide letter No. 7/84/98-5PP1/4426, dated 17.4.2000. The pay in the above mentioned revised scales of pay effective from the 01st December, 2011 shall be fixed prospectively and there shall be no element, whatsoever, of retrospectively in this regard and there will be no question of payment of arrears or of fixation of pay on notional basis from any previous date.*

3. *The employees working on the above noted posts shall not be entitled to any Special Grade pay in terms of Government Circular letter no. 5/10/09-5EPI/807, dated 14th November, 2011.*

4. *The necessary amendments in the rules will be made in the course.*

Yours faithfully,

(JASBIR KAUR)
Under Secretary Finance

No. 5/10/09-5FPI/1366

Dt. Chandigarh 21st Dec., 2011

A copy is forwarded for information and necessary action to the Financial Commissioner (Development), Punjab, Chandigarh.

Sd/-
Jasbir Kaur
Under Secretary Finance”

Keeping in view the said Instructions, CWP No.23138 of 2010 titled as ***Dr. Naresh Kumar Kataria and others Vs. State of Punjab and others***, filed by the similarly situated employees as the petitioners herein, was disposed of vide order dated 05.01.2012, which order is as under:-

Civil Writ Petition No.23138 of 2010(O&M)
Date of Decision : January 05 , 2012.

<i>Dr. Naresh Kumar Kataria and others</i>	<i>...petitioners</i>
<i>versus</i>	
<i>State of Punjab and others</i>	<i>.....Respondents</i>

CORAM : HON'BLE MR.JUSTICE SURYA KANT.

Present : Mr. Rajiv Atma Ram, Senior Advocate with
Mr. Nikhil K. Chopra, Advocate for the petitioners.
Mr. Suvir Sehgal, Addl.A.G. Punjab.

Surya Kant, J. (Oral)

This order shall dispose of C.W.P. No. 23138 of 2010 and C.W.P. Nos. 9708 and 3234 of 2011 involving common questions. For brevity, the facts are being extracted from C.W.P. No.23138 of 2010.

2. The petitioners seek quashing of orders dated 28.11.2000 (Annexure P/9), 13.9.2001 (Annexure P/10), 19.5.1998 (Annexure P/11) and 27.5.2009 (Annexure P/12) . They also seek a mandamus to equate and grant them the same revised pay scales(s) as have been granted to their counter-parts in the Animal Husbandry Department.

3. When the matter came up for preliminary hearing on December 23,3010, the following order was passed by this Court:-

“Inter-alia relies upon the Circulars dated 18.8.1992 and 18.9.1992 (Annexures P-3 and P-4) to contend that there is a conscious decision taken by the State Government to equate the petitioners with the members of Veterinary Service, hence the equivalence in pay scale has to be maintained at the subsequent stage of revision of pay scales also.

Notice of motion for 22.2.2011.”

4. *On a reconsideration of the matter, the respondents have now passed the order dated 21.12.2011 (Annexure P/20) whereby the claim of pay parity raised by the petitioners has been accepted,however, with a rider that they shall not be entitled to any arrears or of fixation of pay on notional basis from the due date(s).*

5. *Having heard learned counsel for the parties at some length, I am of the considered view that though there might be some justification in not paying the arrears of revised pay, but, there can be no rhyme or reason to deny the petitioners the benefit of fixation of pay on notional basis from the due date(s).*

6. *The writ petition though has been in a way rendered infructuous as the impugned orders Annexures P/9 to P/11 stand substituted vide the subsequent order dated 21.12.2011 (Annexure P/20). The aforesaid order dated 21.12.2011,however, is modified to the extent that the petitioners are held entitled to notional pay fixation from the due dates.*

7. *Similarly, the petitioners shall be at liberty to represent for the grant of arrears of pay for a period of 38 months immediate prior to the filing of this writ petition along with copies of the decisions of this Court supporting their claim and the said representation shall be considered by the State Government in the light of those binding decisions within four months from the date of receipt of a certified copy of this order.*

8. *Where the employees have since retired from service meanwhile, it is directed that after fixing their pay on notional basis,the consequential refixation of pension shall also take place. The needful be done within four months from the date of receipt of a certified copy of this order.*

9. *Ordered accordingly.*

Dasti.

January 05, 2012

(SURYA KANT)

JUDGE”

The said order dated 05.01.2012 was implemented by the

Government of Punjab by issuing a letter dated 02.07.2012 (Annexure P-5). It was directed by the Government of Punjab that re-fixation of the pay of the employees will be done on notional basis from the due date. The relevant order passed by the Government of Punjab for implementing the order dated 05.01.2012 passed in ***Dr. Naresh Kumar Kataria and others' case (supra)*** is as under:-

*Government of Punjab
Department of Finance
(Finance Personnel-1 Branch)*

This is with reference to the circular letter No. 2/1/2012-Agri-I(3)/5463 dated 10.5.2012.

2. In compliance of the orders dated 5.1.2012 of Hon'ble Punjab and Haryana High Court issued in Civil Writ Petition No. 23138 of 2010, while amending para-2 of the Finance Department letter No. 5/10/09-F.P.1/1359 dated 21.12.2011, the Finance Department is agreed to grant the benefit of fixation of pay in higher scale to the Chief Agriculture Officer/ Deputy Director Agriculture, Agriculture Officer, Agriculture Development Officer, Assistant Agriculture Engineer Grade-I (Tools/Tubewells/Boring) and Agriculture Engineer (Tools/Tubewells) on grant of benefit of 4, 9 and 14 years service on notional basis. However, as per the orders of the Hon'ble Punjab and Haryana High Court, the concerned officers of this case will not be entitled to receive arrears.

3. In the case of retired officers, their pension will be re-fixed by granting them benefit of pay fixation on notional basis from the due date.

*Sd/-
Deputy Secretary, Finance*

To

*The Financial Commissioner Development,
Agriculture Department,
(Agriculture-I Branch)*

Letter No. 7/56/2012-2F.P.1/271 Dated, Chandigarh 2/7/12"

Thereafter, similarly situated employees as the petitioners in the present writ petition, approached this Court by filing CWP No. 8507/2012 titled as ***Ashwani Kumar Kapoor and others Vs. State of Punjab and others***, which was disposed of vide order dated 08.05.2012 in terms of the order passed by this Court in ***Dr. Naresh Kumar Kataria and others' case (supra)***, which reads as under:-

C.W.P No. 8507 of 2012

Date of decision : May 08, 2012

Ashwani Kumar Kapoor and others,

.... Petitioners

v.

State of Punjab and others,

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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

AJAY TEWARI, J (Oral)

Notice of motion.

On the asking of the Court, Ms. Monica Chhibber Sharma, learned DAG Punjab accepts notice on behalf of the respondents. Learned counsel for the petitioners undertakes to supply three copies of the petition to the learned DAG during the course of the day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

Having regard to the nature of order which I propose to pass, there is no necessity to call upon the respondent to file its counter reply/ affidavit, at this stage.

The petitioners seek mandamus directing the respondents to equate and grant them the same revised pay scale(s) as have been granted to their counter parts in the Agriculture Department.

Counsel for the parties are ad-idem that the controversy

involved herein is squarely covered by the decision of this Court rendered in CWP No. 23138 of 2010, Dr. Naresh Kumar Kataria and others vs State of Punjab and others, decided on 5.1.2012.

In these circumstances, this writ petition is disposed of in the same terms as in CWP No. 23138 of 2010.

Copy of this order be given dasti to counsel for the respondents under the signatures of the Court Secretary.

No order as to costs.

*Sd/-
(AJAY TEWARI)
JUDGE”*

May 08, 2012.

The said order dated 08.05.2012 was also implemented by the State of Punjab granting the relief of revision of pay to the petitioners in the said writ petition, a copy of which, has been appended as Annexure P-8 by the petitioners along with the present writ petition. Thereafter, another writ petition was filed claiming the same benefit as being claimed by the petitioners in the present writ petition bearing CWP No.107 of 2013 titled as ***Kuldip Singh and another Vs. State of Punjab and others***, which was also disposed of vide order dated 08.01.2013 in terms of the order passed by this Court in ***Dr. Naresh Kumar Kataria and others' case (supra)***. A direction was given to consider their cases for the grant of benefit. In compliance of the said direction, State of Punjab passed an order on 19.03.2013 (Annexure P-10) accepting their claim by passing a detailed order granting them the benefit as being granted to the petitioners therein in ***Dr. Naresh Kumar Kataria and others' case (supra)***. Petitioners have attached various other orders passed in the case of the similarly situated employees wherein the benefit which is being claimed in the present writ petition has been allowed. One of, such order is Annexure P-11 passed by

the respondent on 22.09.2014 extending the benefit, as being claimed by the petitioners in the present writ petition.

As the petitioners were not being granted the benefit though, the same was already extended to the similarly situated employees, petitioners served a legal notice upon the respondents on 05.11.2015, which has been appended as Annexure P-12 with this writ petition. As the respondents did not grant the benefit, petitioners filed the present writ petition claiming the benefit of revision of their pay, as granted to the similarly situated employees by this Court as well as respondent-State of Punjab, the details of which have already been given in the preceding paragraph of this order.

Upon notice, respondents have filed the reply and in the reply, the only objection which has been taken by the respondents is that the writ petition is liable to be dismissed on the ground of delay and laches. In the reply, respondents have admitted the grant of benefit to the similarly situated employees as being asked by the petitioners, but the case of the petitioners is being contested on the ground that keeping in view the delay in approaching this Court, the benefit cannot be extended to the petitioners. Relevant portion of the reply is as under:-

“Preliminary Submissions

1. *That it is submitted that the petitioner No. 1 was compulsorily retired from service w.e.f. 11.11.2002, under rule 5(vii) of Punjab Civil Services (Punishment & Appeal), Rules, 1970. The petitioner No. 2 retired on superannuation w.e.f. 30.11.1996. The present writ petition has been filed by petitioner No. 1 after a delay of over 14 years and by petitioner No. 2 after a delay of over 20 years. The present civil writ petition is,*

therefore, hit by the law of limitation.

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On Merits :

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6. *That the contents of para No. 6 of the writ petition are admitted being a matter of record. It is further submitted that the order 21.12.2011 (Annexure P-3) of the State Government granting parity of pay scale, referred to by the petitioner in this para contains a stipulation having two parts to the following effect:-*

“The grant of above noted revised scales of pay shall be subject to the conditions laid down in the Assured Career Progression Scheme issued by the Department of Personnel vide letter No. 7/84/98-5PP1/4426, dated 17.04.2000. The pay in the above revised scales of pay effective from the 01st December, 2011 shall be fixed prospectively and there shall be no element, whatsoever, of retrospectivity. In this regard and there will be no question of payment of arrears or of fixation of pay on notional basis from any previous date.”

The first part is concerned with applicability of the conditions laid down in the Assured Career Progression Scheme issued by the Department of Personnel vide letter No. 7/84/98-5PP1/4426, dated 17.04.2000 in the matter of revised pay scales. The second part speaks about coming into effect of the revised scales of pay w.e.f. 01st December, 2011 and fixation of pay prospectively without any payment of arrears or of fixation of pay on notional basis from any previous date. In compliance to the order dated 05.01.2012 of this Hon'ble Court rendered in Civil Writ Petition No. 23138 of 2010-Dr. Naresh Kumar Kataria & others Vs. State of Punjab, vide F.D. Letter No. 7/56/2012-2F.P.1/271,

dated 02.07.2012 (Annexure P-5), the para no. 2 of Finance Department's letter No. 5/10/09-F.P.1/1359, dated 21.12.2011 (Annexure P-3) was amended to the extent of expressing consent to grant the benefit of fixation of pay in higher scale to the officers of Agriculture Department after completion of 4, 9 & 14 years of service on notional basis and also clarified that the concerned officers will not be entitled to receive arrears and in the case of retired officers, their pension will be re-fixed by granting them benefit of pay fixation on notional basis from the due date. It may thus be seen that only second part of the stipulation in para 2 of the guidelines/instructions dated 21.12.2011 was amended whereas the first part relating to the application of the conditions laid down in the Assured Career Progression Scheme issued by the Department of Personnel vide letter No. 7/84/98-5PP1/4426, dated 17.4.2000 in revised pay scales remained intact. In other words the benefit of revised higher pay scales after 4, 9 and 14 years of service is not automatic but is subject to the conditions prescribed in instructions dated 17.4.2000 (ibid). A copy of the said letter dated 17.4.2000 is attached herewith as Annexure R-1.”

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The question which has been posed before this Court is whether once the similarly situated employees have already been extended a relief, as being sought by the petitioners in the present writ petition, whether the petitioners will be entitled for the said relief though they have approached this Court in the year 2016. It is a matter of fact that the respondents themselves decided to grant the benefit to the employees of the Department

of Horticulture by giving them the pay scale as being given to the employees, who are working in the Animal Husbandry and Fisheries Department on the post of Veterinary Officer. The decision, which has been taken by the State of Punjab, is qua all the employees, who were working in the Department of Horticulture and not upon the employees, who approached this Court to claim the same. It was incumbent upon the respondents that once a decision has been taken to grant a particular benefit to the employees of the Horticulture Department, the same should have been extended to all the similarly situated employees by the Government on its own rather than forcing everyone to approach this Court to claim the same.

In the present writ petition, the claim of the petitioners is to extend the benefit of the Instructions dated 21.12.2011 (Annexure P-3) to them as well. Inaction is on the part of the respondent-State for not extending the benefit to the persons, who are entitled for the same under the said Instructions. State cannot deny the benefit by raising an objection of limitation once employees are entitled for the benefit under the Instructions issued by the State, it is the duty of State to extend the benefit, once the benefit has been extended to all the employees of the Department of Horticulture as per the Notification dated 21.12.2011.

A Division Bench of this Court while deciding CWP No. 3447 of 2015 on 26.2.2015 (Annexure P-14), while relying upon the order passed in ***Dr. Naresh Kumar Kataria and others' case (supra)***, which order was passed keeping in view the Instructions of the Government of Punjab dated 21.12.2011 (Annexure P-3), held that the said Instructions are applicable upon all the employees of the Horticulture Department and not only qua the petitioners in the case of ***Dr. Naresh Kumar Kataria and others' case***

(supra). The relevant paragraph of the said order passed by the Division Bench is as under:-

“[10] We do not find any substance in the contention for more than one reasons. Firstly, the notification dated 21.12.2011 (Annexure A-2) is general in nature and has been issued by the Department of Finance, Government of Punjab. It covers and applies to all the employees of Horticulture Department, Punjab and not qua the writ petitioners only in the case of Dr.Naresh Kumar Kataria's case (supra). Secondly, the directions issued in Dr.Naresh Kumar Kataria's case (supra) were followed by this Court later in the case of Ashwani Kumar Kapoor and others versus State of Punjab and others decided on 08.05.2012 and in compliance thereto, the Government of Punjab, Department of Agriculture, passed a self-speaking order dated 17.12.2012 (Annexure A-5), the relevant part whereof reads as follows:-

“...5. That as per the advice issued by the Finance Department in the case of CWP No.23138 of 2010 (Naresh Kumar Kataria versus State of Punjab), the Director of Horticulture, Punjab has been entrusted with the power of granting higher pay scale to the officers of the Horticulture Departments after completion of 4/9/14 years of service and higher pay scale are being granted to these officer/retired officers by him.....”

[11] The above reproduced directions, in our considered view, are general in nature and apply with equal force to all the employees of Horticulture Department without any discrimination.”

Therefore, once the decision/Instructions dated 21.12.2011 is held to be applicable upon all the employees, it becomes incumbent upon the respondent-State to extend the benefit to all the similarly situated

employees rather than making each employee to approach this Court to seek the benefit and then face an objection from the State of Punjab that their case is time barred. Therefore, the objection which has been taken by the State that the Writ petition is time barred, is not available to them under the present circumstances, hence, the said objection is therefore, rejected.

Further, as per the settled principle of law settled by the Division Bench of this Court in CWP No. 4382 of 2002 decided on 21.03.2002 titled as ***Satbir Singh Vs. State of Haryana***, once the employees are held entitled for a particular benefit, the same should be extended to all the similarly situated employees by the State rather than forcing everyone to approach the Court claiming the same relief. The relevant paragraph of the said judgment is as under:-

“11. State has pervasive obligations to discharge in relation to maintaining its expected standards of employer-employee relationship. As already noticed, one of the important facets of such obligations is to be reasonable and fair in granting service benefit to its employees in accordance with service rules and the principles enunciated on pronouncement of judgments by the Courts. When judgments attain finality to which the State is a party, duty is casted upon the State to grant relief to its employees who are similarly situated and on identical facts. Benefit of such approach are many and it causes no disadvantage to the interests of the State. It is not necessary for the State to require each one of its employees to approach the Courts of law for grant of a relief which the State ought to grant to the employees in normal course of its administration, particularly, the cases of the kind afore-referred. Such principles is well known and accepted for years now. By referring to few judgments we would only predicate the principle with greater emphasis of its application

*in the day-to-day affairs of the State. In the case of **Dr.(Mrs.) Santosh Kumari v. Union of India and others, JT 1994(7) SC 565: 1995 (1) SCT 527 (SC)** the Hon'ble Apex Court held as under:-*

“The allotment of seats should go according to merit. It does not depend upon who comes to Court and who does not. The matter is one of principle and should not depend upon who comes to the Court. A more deserving candidate may not have the means of approach the Court.”

Therefore, keeping in view the judgment passed in **Satbir Singh's case (supra)**, it was the duty of the State to extend the benefit of the Instructions dated 21.12.2011 to the petitioners on their own rather than forcing them to approach this Court.

Further, once the similarly situated employees, who have approached this Court by filing various writ petitions, the details of which have been noticed in the preceding paragraph of this order, the benefit has been extended by the State and no objection can be taken by the respondents to deny the claim of the petitioners, which is similar to those petitioners, who had approached this Court including the petitioners in **Dr. Naresh Kumar Kataria and others' case (supra)**. Once the benefit has been extended to the similarly situated employees by the respondents as far back as in the year 2014 and the present writ petition was filed in the year 2015, there cannot be any delay in approaching this Court even otherwise.

Keeping in view the above, the present writ petition is allowed to the extent that the petitioners will be entitled for the benefit of Instructions dated 21.12.2011(Annexure P-3) and the petitioners will be entitled for the same benefit as being extended to the similarly situated

employees, who have been granted the benefit under those very Instructions by the respondents themselves by passing orders dated 02.07.2012, 18.07.2012, 17.12.2012, 19.03.2013 and 22.09.2014 (Annexures, P-5, P-6, P-8, P-10 and P-11 respectively). Let the respondents compute the benefit for which the petitioners have been held entitled in terms of the Instructions dated 21.12.2011 (Annexure P-3) within a period of two months from the date of receipt of certified copy of this order and whatever the amount which the petitioners are held entitled for or the consequential benefits which the petitioners are entitled for such as revision of their pensionary benefits, be extended to them. It has been fairly admitted by the counsel for the petitioners that no arrears are to be extended to the petitioners as re-fixation of their pay/pension is to be done on notional basis only.

Writ petition is allowed in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

August 21, 2019
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Whether reasoned/speaking? Yes
Whether reportable? Yes