

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4431-2018

Date of decision: - 03.10.2019

Roop Singh and others

...Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. I.D. Singla, Advocate,
for the petitioners.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioners argues that the claim of the petitioners in the present writ petition is that they were granted the benefit of pay-scale of ₹3120-6200, which was withdrawn by the respondents wrongly. Prayer of the petitioners is to restore the pay-scale of ₹3120-6200 to them.

Counsel for the petitioners argues that a similarly situated person, as the petitioners, had filed a **CWP No.8573 of 2008** titled as '**Amar Nath** Vs. **State of Punjab and others**, wherein, same claim as made in the writ petition that petitioners be given pay-scale of

₹3120-6200 instead of pay-scale of ₹3120-5160 and the basic pay, which exceeded ₹5160, be not treated as a personal pay to be adjusted in the future increment was made. The said writ petition was allowed by this Court on 28.05.2009 and held that petitioner, namely, Amar Nath was entitled for the pay-scale of ₹3120-6200 w.e.f. 01.01.1996. The State of Punjab challenged the said order dated 28.05.2009 by filing a LPA No.2003 of 2012, which was also dismissed on 05.02.2013. Thereafter, SLP No.8086 of 2014 was also dismissed on 26.11.2014 and the pay of Sh.Amar Nath was fixed in the pay-scale of ₹3120-6200 w.e.f. 01.01.1996.

Counsel for the petitioners further argues that thereafter, another bunch of similarly situated employees filed a **CWP No.23667-2017** titled '**Sukhjeet Singh and others** Vs. **State of Punjab and another**', which was also allowed on 30.01.2019 on the basis of order passed in **Amar Nath's case (supra)** and were granted the benefits, which petitioners are claiming in the writ petition.

Learned counsel for the petitioners argues that case of the petitioners is squarely covered by the decision rendered in **Sukhjeet Singh's case (supra)** as the petitioners herein are similarly situated personnel as the petitioners in **Sukhjeet Singh's case (supra)**.

On 19.08.2019, counsel for the respondents had sought time to go through the judgment passed in **Sukhjeet Singh's case (supra)**.

Learned counsel for the respondents has not been able to point out any distinction, according to which, case of the petitioners is not covered by the order passed by this Court in **Sukhjeet Singh's case**

(supra). Counsel for the respondents states that once an order has been passed in Sukhjeet Singh's case (supra) and if the present petitioners are similarly situated employees, they are bound to get the benefits.

Keeping in view the above, as learned counsel for the respondents is failed to point out any fact, reason, which is dissimilar to the case of Sukhjeet Singh's case (supra), present writ petition is also disposed of in the same terms as CWP No.23667-2017 titled 'Sukhjeet Singh and others Vs. State of Punjab and another', decided on 30.01.2019.

October 03, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No