

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.8302 of 2017 (O&M)
Date of decision: May 22, 2019

Gurpreet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Kapil Kakkar, Advocate for the petitioner.
Mr. Nikhil Chopra, Addl. Advocate General, Punjab.
Mr. Dilraj Singh, Advocate for
Ms. Preeti Singh, Advocate for respondent No.4.

Rajan Gupta, J.(oral)

Petitioner is serving as a Lecturer in Punjab Education Department. He was earlier employed as Auction Recorder in the Market Committee, Raikot, District Ludhiana in the pay scale of Rs.10300-34800+3200. He has preferred the instant petition seeking a mandamus that the service rendered by him in the Market Committee be counted for pay protection and other purposes. In response, the State has taken a stand that in view of instructions issued from time to time, service rendered in Boards, Corporations and other Public Sector Undertakings, would not entitle a government servant to claim benefit thereof. As per them, the benefit of pay protection is not admissible to the erstwhile employees of Boards/Corporations, who later joined government service. A question, however, arises as to the interpretation of Rule 4.4 (b) (Vol. 1 Part 1) of the Punjab Civil Services Rules and whether any instructions issued by the Government subsequently, which are not in consonance with the rules, would have any effect.

In considered view of this court, case of the petitioner needs to be considered in light of Rule 4.4 (b) of the above rules. Petition is, thus, disposed of with a direction to consider the case of the petitioner in light of the rules within two months from today and pass a speaking order.

(RAJAN GUPTA)
JUDGE

May 22, 2019
'Rajpal'

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