

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

(126)

CWP-30456-2019

Date of Decision: October 22, 2019

Major Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.S. Khurana, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner states that keeping in view the recommendation of the Second Pay Commission, the employees, who were matriculates with two years Technical Training in the ITI, were entitled for the pay scale of 140-300. Learned counsel for the petitioner argues that benefit of the said pay scale has not been extended to the petitioner on the ground that petitioner has technical training in ITI of one year. Learned counsel for the petitioner further argues that the question as to whether the employees, who had passed the ITI prior to the year 1976, when ITI qualification, as required, was only of one year duration, will be entitled under Category-IV for the grant of pay scale of 140-300 or not, came for consideration before this Court while deciding **CWP No. 12073 of 2013 titled as Anil Kumar Vs. State of Punjab and others**, which was allowed on 27.11.2013. This Court held that once the qualification of ITI was only for a period of one year prior to the year 1976, the benefit of pay scale of 140-300 cannot be denied to them.

Learned counsel for the petitioner states that the said judgment has been implemented by the respondents vide order dated 10.07.2014 (Annexure P-5), wherein, a similarly situated employee, namely, Anil Kumar has been granted the benefit of pay scale of 140-300, though, he also had an ITI of one year as he had passed the said course prior to the year 1976. Learned counsel for the petitioner prays that on the same analogy, petitioner is also entitled for the benefit of pay scale of 140-300, which was never extended to the petitioner, though, keeping in view the law laid down by this Court in Anil Kumar's case (supra), petitioner is entitled for the same. Learned counsel for the petitioner prays that direction be issued to the respondents to consider the claim of the petitioner for the grant of pay scale of 140-300 with effect from the date, the same has been extended to the similarly situated employees.

Learned counsel for the petitioner states that for the relief, which has been claimed in the present writ petition, petitioner has served the respondents with a legal notice dated 01.02.2019 (Annexure P-7), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 01.02.2019 (Annexure P-7) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of next three months.

Writ petition stands disposed of accordingly.

October 22, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No