

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.1885 of 1993(O&M)

Date of Decision: 12.02.2020

Jaspreet Singh

...Petitioner

Versus

Secretary to Government Punjab , Finance Department & ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashok Sharma Nabhewala, Advocate,
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 30.07.2014, the following order was passed:-

“During the course of hearing, it has come to the notice of this Court that on one hand, respondent-department had been issuing repeated recommendations in favour of the petitioner and on the other hand, stand taken in the written statement is contrary, with a view to deny the said service benefits to the petitioner, pointing out that the Government was unable to accept the demand of the petitioner, however, without assigning any reason thereto. He also pointed out that the claim of the petitioner has been accepted by the respondent-State vide notification dated 7.1.1992 (Annexure P-7) but not with effect from the date when he was appointed i.e. 1.12.1988. He further submits that once the respondent-department had accepted the claim of the petitioner vide Annexure P-7, revising the pay scale

of the post of Statistical Assistants in Directorate of Youth Services of Punjab, from 1500-2640 to 1640-2925, then this benefit ought to have been granted to the petitioner with effect from the date of appointment itself and not from a later date.

Learned State counsel submits that there were different qualifications in different departments for the same post of Statistical Assistants. Statistical Assistants working in different departments have different responsibilities and nature of duties, for which the petitioner cannot claim the same pay scale as a matter of right. However, relevant facts and figures are not available on record because the written statement filed, is silent in this regard.

In view of the above, let the Director Youth Services, Punjab-respondent No.3 file his own additional affidavit to clarify the position, making the stand of the State clear, by placing all the relevant facts and figures. He shall also make it clear that once the claim of the petitioner has been accepted vide Annexure P-7 dated 7.1.1992 with effect from the date of this order i.e. 7.1.1992, why this service benefit could not have been granted to the petitioner from the date of appointment itself because no contrary reason has been assigned.

List on 16.10.2014.”

The matter came up for hearing before this Court, thereafter, on the last of occasion i.e. 05.02.2020, when the order, which was passed, reads as follows:-

“On 30.07.2014 the Court had summarized the claim of the petitioner as also the stand of the respondents and sought further information with reference thereto as per the stand taken by the respondents. The

affidavit which has been filed by the respondents in pursuance to the said order does not cull out the distinction which is being sought to be projected before the Court except for making a statement which stands already recorded in the order dated 30.07.2014.

Learned counsel for the petitioner has referred to the Notification dated 09.05.1991 issued by the Department of Finance, according to which the Statistical Assistants have been granted the revised scale of ₹1640-2925 with effect from 01.01.1986.

If that be so, the petitioner having granted the pay scale of ₹1640-2925 being appointed on the post of Statistical Assistant of the Youth Services, would be entitled to the scale not from the date of acceptance of the claim of the petitioner i.e. 07-01-1992 but from the date of his appointment i.e. 01.12.1988 as he could not have been granted prior thereto.

Counsel for the State prays for an adjournment to seek instructions in the matter.

Prayer granted.

List on **12.02.2020**.

This shall be the last opportunity.”

Learned counsel for the State submits that he has not been able to get the instructions in the matter.

Having considered the matter in detail with reference to above reproduced orders, it is apparent that the petitioner is entitled to the grant of pay scale of ₹1640-2925 w.e.f. his appointment i.e. 01.12.1988.

The present petition is allowed. The petitioner is held entitled to the grant of the said benefit of revision of the pay scale of ₹1640-2925 w.e.f.

01.12.1988. The consequential benefits including the benefits, if any for the pension and other retiral benefits be released to the petitioner within a period of two months from today.

12.02.2020
monika

(AUGUSTINE GEORGE MASIH)
JUDGE

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