

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP No. 3146 of 2020(O&M)
Date of Decision: February 5, 2020

Rajni Sharma and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Salil Sabhlok , Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J.(Oral)

The petitioners have challenged the order dated 8.1.2020 (Annexure P-5) passed by the Director Ayurveda, Punjab-respondent No.3 whereby the claim of the petitioners as made by them for the grant of benefit of pay grade as also grant of promotional avenue apart from the removal of anomaly has been decided. Counsel contends that the only plea which is to be taken into consideration with regard to submission of the petitioners for grant of the pay scale/removal of the anomaly as has occurred in the recommendation of the Pay Commission.

The other aspect with regard to promotional avenue has not been taken into consideration although, reference thereto has been made in the order while referring to the representation of the petitioners. He contends that merely because in the case of Homeopathy Pharmacists/Dispensers the matter is pending before a Division Bench of this Court in LPA No. 1519 of 2019 State of Punjab and others Vs.

Gulshan Kumar and others, the claim of the petitioners could not be kept

in abeyance till the decision is taken in the said appeal. He thus, contends that action of the respondents while passing the impugned order dated 8.1.2020 (Annexure P-5) cannot sustain.

I have considered the submissions made by learned counsel for the petitioners and on going through the impugned order, do not find it worthwhile to interfere at this stage in the light of the fact that no final decision has been taken by the competent authority with regard to the claim of the petitioners as it appears that respondent No.3 in the light of the pendency of the appeal in case of **Gulshan Kumar's case (supra)** deferred the decision to be taken as far as the petitioners are concerned. The petitioners primarily are claiming the benefits as has been granted to Homeopathy Pharmacists/Dispensers, as far as the pay scales are concerned as has also not been taken into consideration with regard to promotional avenue of the petitioners which obviously appear to be made dependent upon the final outcome of the appeal.

The writ petition at this stage is premature and it would be open to the petitioners to approach the Court again in case, despite the decision in LPA No. 1519 of 2019 in favour of the employees, respondents proceeds not to decide the claim of the petitioners as projected in the representation.

The writ petition stands disposed of with the above observations.

(AUGUSTINE GEORGE MASIH)
JUDGE

February 5, 2020
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No