

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.11252 of 2020
Date of decision: 05.08.2020

Balwant Singh and others

...Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Nitesh Singla, Advocate,
for the petitioners.

Ritu Bahri, J. (oral)

Petitioners are seeking direction to respondent Nos.1 and 2 to step up their pay at par with their junior (respondent No.3) w.e.f. 10.03.2012.

Learned counsel for the petitioners has placed on record copy of speaking order dated 21.11.2019 (Annexure P-8), which has been passed by the respondent-department pursuant to the judgment dated 22.08.2019 passed by this Court in CWP No.22404 of 2019, titled as **Rohit Garg and others vs. State of Punjab and others**, in which similarly situated persons, who had approached this Court, have been granted the benefit of pay and consequential benefits along with interest at the rate of 12% per annum.

Petitioners joined the Education Department of the State of Punjab as Masters/Mistresses/D.P.E. in the year 2006 on regular basis. Thereafter, petitioner Nos.2 and 3 were promoted as Lecturers. Details of joining of the petitioners is attached as Annexure P-1. One Raghwinder Bhatia (respondent No.3) also joined the education department as D.P.E.

Masters/Mistresses. Pay comparison of petitioner No.1 with respondent No.3 is attached as Annexure P-2. The service conditions of petitioners and respondent No.3 is governed by the rules called the Punjab State Education Class-III (School Cadre) Services Rules, 1978. As per Rule 11 of the said rules, seniority in different cadres, has to be determined on the basis of continuous length of service on a post in that cadre.

Pay scales of the petitioners were revised after the 5th Pay Commission as per Punjab Civil Services (Revised Pay) Rules, 2009 and these rules were made effective from 01.01.2006. The petitioners were granted the pay scale of Rs.10300-34800+3600 Grade Pay w.e.f. The date of their joining. Thereafter, the Governor of Punjab granted Assured Career Progression Scheme on completion of 4, 9 and 14 years of service in a cadre w.e.f. 01.11.2006 vide circular dated 03.11.2006 (Annexure P-3).

At that stage, an anomaly arose, whereby a senior employee started getting less pay as compared to his junior employee. Thereafter, the Government of Punjab issued instructions dated 12.08.2010 (Annexure P-4), whereby it was decided to remove the anomaly by stepping up the pay of senior Government employee drawing less pay than their juniors subject to the conditions that the junior and senior Government employees should belong to the same cadre and the post, on which they have been promoted should also be identical and in the same cadre. Respondent No.3 was granted one additional increment of proficiency step up under the Assured Career Progression Scheme on completion of 4 years of regular service and his basic pay was fixed as Rs.19010/- w.e.f. 10.03.2012, whereas the basic pay of petitioners on 10.03.2012 was Rs.18450/-.

Thereafter, petitioners served a legal notice dated 19.03.2020 (Annexure P-7) upon the respondents to remove the anomaly. A similar issue came up for consideration in CWP No.8200 of 2020, titled as **Amandeep Singh and others vs. State of Punjab and others,** which was disposed of vide order dated 17.06.2020 (Annexure P-9).

Notice of motion.

On the asking of the Court, Mr. Ayush Sarna, AAG, Punjab, accepts notice on behalf of respondent-State.

Without expressing any opinion on the merits of the case, this petition is disposed of by giving direction to respondent Nos.1 and 2 to look into the legal notice dated 19.03.2020 (Annexure P-7) and pass appropriate order in accordance with law, within a period of four months from the date of receipt of certified copy of this order.

05.08.2020
ajp

(RITU BAHRI)
JUDGE

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