

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

Sr. No.108

**CWP-17267-2020 (O&M)
Date of Decision: 16.10.2020**

Sham Lal

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Rajesh Tushar, Advocate,
for the petitioner.

ARCHANA PURI, J.(ORAL)

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The present petition has been filed for issuance of writ in the nature of mandamus directing the respondents to rectify anomaly in pay/pension scale of the petitioner vis-a-vis the Clerks working/worked under establishment of Civil Secretariat Punjab, Chandigarh and further also to direct respondents to revise the pay/pension scale of the petitioner on notional basis and to release the arrears/consequential monetary benefits.

It is the claim of the petitioner that he joined the respondent department on 19.07.1986 as Chowkidar under Punjab Civil Secretariat, Chandigarh. As per rules adjusted/promoted other Group-D posts as Peon, Record Lifter, Daftry on 31.08.2005 he was promoted at the post of Restorer. On 31.12.2011 he had retired from the said post under Department of General Administration, Punjab Civil Secretariat, Chandigarh.

The grievance of the petitioner is that the post of Restorers and Clerks were placed in equivalent pay scale since 1986 and thereafter both these posts were given the pay scale of Rs.3120-5160 w.e.f. 01.01.2006. Even as per the recommendations of 5th Punjab Pay Commission, both these categories were placed in the similar pay band and their grade pay of Clerks were revised. Thereafter twice the grade pay of the Clerks was revised vide notifications dated 3.10.2011 and 15.12.2011. However, there was no revision in the grade pay of Restorer cadre on account of which disparity has so accrued. It is also the claim of the petitioner that his case is fully covered as per the judgment/order delivered by a Coordinate Bench of this Court in CWP No. 18466 of 2014 titled as **Anuj Kumar Sharma and another vs. State of Punjab,** decided on 26.04.2017 (Annexure P-6), as well as judgment/order passed in CWP No. 4456 of 2016 titled as **Kanta Kumari and others vs. State of Punjab and others,** decided on 24.05.2018 (Annexure P-7). It is also the grievance of the petitioner that even though the petitioner had filed a representation dated 31.08.2020 (Annexure P-8) thereby making submission for providing him the benefit of revised pay scale of Restorer, but no appropriate order has been passed upon the same.

Notice of motion.

Ms. Monika Chhibber, Senior DAG, Punjab accepts notice on behalf of the respondents-State and has assured to dispose of the representation dated 31.08.2020 (Annexure P-8) in accordance with law and in consonance with the case law so relied upon by learned counsel for the petitioner.

In view of the submission, so made by learned counsel for the petitioner and the assurance, so given by learned State Counsel, the present petition is hereby disposed of with a direction to the respondents to consider the representation dated 31.08.2020 (Annexure P-8) and to pass a speaking order, in accordance with law, in view of the case law, referred to above, within a period of eight weeks from the date of receipt of copy of this order.

Accordingly, the present petition stands disposed of.

16.10.2020
dinesh

(ARCHANA PURI)
JUDGE

Whether speaking	Yes
Whether reportable?	No