

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-2385-2021

(Heard through VC)

Date of decision: 02.02.2021

Sucha Singh and others

....Petitioners

V/s.

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: None.

Ritu Bahri, J. (Oral)

The petitioners are seeking direction to the respondents to grant them revised pay scales as recommended by various pay commissions with regard to skilled and semi-skilled staff in the service of Punjab Government, in view of order dated 26.04.2018 passed by this Court in **CWP-7001-2013** titled as ***Daljeet Singh and others V/s. State of Punjab and others*** (Annexure P-8) which has attained finality and has been implemented by the department vide office order dated 16.10.2019 (Annexure P-10).

Some of the petitioners are retired employees of the department and some of them are in service. Their case is that vide notification dated 11.07.1967, the State of Punjab constituted pay commission for revising the pay scale of its employees. Vide letter dated 04.02.1969 (Annexure P-1), the Punjab Govt. accepted the recommendations of the first pay commission regarding the categorization of employees as Technicians and pay according to qualifications. The Punjab Govt. again appointed Second Pay Commission w.e.f. 01.01.1978. The Punjab Govt. appointed third Punjab Pay Commission and recommendations of pay commissions were accepted

by the Punjab Govt. w.e.f. 01.01.1986. The Punjab Govt. constituted fourth Punjab Pay Commission and its recommendations were accepted by the Govt. w.e.f. 01.01.1986. Even in these recommendations, letter dated 04.02.1969 was not implemented.

In this backdrop, **CWP-10759-1990** titled as ***Rajinder Paul Gautam and others V/s. State of Punjab and others*** was filed which was decided on 30.05.2008 (Annexure P-2) in favour of the employees. Against this order, **LPA-44-2009** was filed by the Govt. which was dismissed vide order dated 15.02.2010 (Annexure P-3). The Govt. also filed **SLP-15225-2010** which was also dismissed vide order dated 12.07.2010 (Annexure P-4). Thereafter decision was taken to generalize the decision dated 15.02.2010 passed in **LPA-44-2009** and letter dated 30.06.2011 (Annexure P-5) was also issued by the department. Vide letters dated 16.04.2012 (Annexure P-6) and 22.11.2012 (Annexure P-7), the matter was generalized qua Category-IV employees.

Thereafter **CWP-7001-2013** titled as ***Daljeet Singh and others V/s. State of Punjab and others*** was filed by another set of employees of various departments including Transport department, which was allowed vide order dated 26.04.2018 (Annexure P-8). Since the respondent-department failed to implement order dated 26.04.2018, **COC-3503-2018** titled as ***Sham Singh and others V/s. Kakumanu Siva Prasad and others*** was filed in this Court and during the proceedings, an undertaking was given by the Director State Transport, Punjab with regard to fixation of notional pay scale and the said contempt petition was disposed of vide order dated 22.10.2019 (Annexure P-9).

The petitioners are employees of the Transport Department and

are now claiming the same benefit. The policy decision has been taken on 05.09.2018 (Annexure P-12) by the Department of Home Affairs and Justice, Punjab in this regard. Copy of the Punjab Dispute Resolution and Litigation Policy decision dated 05.09.2018 has been placed on record (Annexure P-12) whereby the benefit has to be extended to all similarly situated employees. The matter is still pending with the office of Director, State Transport, Punjab, Chandigarh with respect to grant of this benefit to non-petitioners as it is evident from letter dated 04.05.2020 (Annexure P-15).

This Court, in similar circumstances, has disposed of writ petitions to decide the legal notice served by the petitioners. A reference can be made to judgment passed by this Court in **CWP-1982-2020** titled as **Harbans Singh V/s. State of Punjab and others**, decided on 24.01.2020 (Annexure P-17) and **CWP-15281-2020** titled as **Nand Kishore and others V/s. State of Punjab and others**, decided on 24.09.2020 (Annexure P-19).

In the present case, detailed notices have been sent by the petitioners to the respondents on 27.11.2019 and 10.03.2020 (Annexure P-18 colly) but no action has been taken by the respondents so far.

Without expressing any opinion on the merits of this case, this petition is being disposed of by giving direction to the respondents to decide legal notice dated 27.11.2019 and 10.03.2020 (Annexure P-18 colly) by passing speaking order within a period of three months from the date of receipt of certified copy of this order.

02.02.2021

Divyanshi

**RITU BAHRI
(JUDGE)****Whether speaking/reasoned:
Whether reportable:****Yes/No
Yes/No**