

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 7619 of 2020 (O&M)

Date of Decision: 28.01.2021

Satnam Singh

... Petitioner(s)

Versus

Punjab and Sind Bank and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. A.S.Bhullar, Advocate
for the petitioner.

Mr. R.N.Lohan, Advocate
for the respondents.

Anil Kshetarpal, J.

Through this writ petition, filed under Article 226/227 of the Constitution of India, the petitioner prays for issuance of a writ in the nature of mandamus directing the respondents to consider his claim for grant of regular pay scale plus allowances/benefits at par with regular Peons from the date of joining the service.

At the outset, it is important to note that during the pendency of the writ petition, the petitioner has retired on attaining the age of superannuation i.e. on 31.05.2020.

The petitioner claimed that he was appointed as temporary Peon on 11.02.1985 with the respondent-bank and thereafter, he continued to work. At one stage, the services of the petitioner were dispensed with. However, the Industrial Tribunal ordered reinstatement of the petitioner. The petitioner also filed Civil Writ Petition No. 18566 of 2007. The petitioner

was directed to be reinstated, however, he gave a statement that he shall not

claim regularization or past service benefits as well as back wages. In fact, various writ petitions had come up for final disposal together. The petitioners including the petitioner stated that they be paid minimum pay as it being paid to those who are serving in the light of interim order of the High Court. The petitioner, as noticed above, now claims the benefits of regular pay scale plus allowances/benefits at par with the regular Peons. A written statement has been filed pointing out that the petitioner is already being paid the minimum of the pay scale of the regular employees. In para 11 of the written statement, the respondents have stated as under:

“11. In reply to para 11 of the writ petition, it is submitted that the petitioner is already being paid the minimum of the pay scale of the regular employee as per the judgment dated 26.05.2010 (P-2) as explained in para 1 of the preliminary submissions/objections. The contents of para 1 of the preliminary submissions/objections may also be read in reply to para 11 of the writ petition”.

This Court has heard learned counsel for the parties at length and with their able assistance, perused the paper-book.

Learned counsel for the petitioner, while relying upon ***Deepak Verma and Others v. Zonal Manager, Punjab and Sind Bank (Civil Writ Petition No. 10195 of 2017, decided on 18.12.2019)*** and ***Kuldeep Singh v. Punjab and Sind Bank and Others (Civil Writ Petition No. 10626 of 2015, decided on 17.01.2020)***, submits that the petitioner is entitled to minimum of the pay scale.

It may be noted here that the petitioner is already being paid the

minimum of the pay scale as stated in reply to para 11 of the writ petition.

Still further, the petitioner claims that he is entitled to the benefits of regular pay scale plus allowances and benefits at par with regular Peons. It is not in dispute that the petitioner was a temporary Peon. It is now well settled that the pay of the employee can be different if the method of recruitment and the standard of selection are not the same. The petitioner cannot claim parity with the regular Peons if the method of recruitment as well as standard of selection was different. A reliance in this regard can be placed on the judgment of the Supreme Court in *State of Bihar and Others v. Bihar Secondary Teachers Struggle Committee, Munger and Others (2019) 18 SCC 301*.

Keeping in view the aforesaid judgment, there is no ground to issue a writ, as prayed for. Hence, the writ petition is dismissed.

The miscellaneous application(s) pending, if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

January 28, 2021

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No