

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 2173 of 2022

Date of Decision: 08.02.2022

Jasbir Singh Minhas

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Yagyadeep, Advocate
for the petitioner(s).

Mr. Charanpreet Singh, Assistant Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. The petitioner prays for issuance of a writ in the nature of mandamus to direct the respondent No.1 and 2 to fix his pay as per Rule 7.21 of the Punjab Civil Services Rules, Volume II and the Government Instructions dated 26.05.2014.

2. The petitioner claims that he retired from the Indian Air Force as a Wing Commander on 28.02.2013. Thereafter, he was appointed as a Block Development and Panchayat Officer w.e.f. 03.01.2017. However, while fixing his pay, the authorities overlooked the Rule 7.21 of the Punjab Civil Services Rules, Volume II, which provides that if an ex-serviceman pensioner, at the time of retirement, was holding a post, in the rank of a Commissioned Officer, his initial pay, on re-employment in the civil post, shall be fixed at the same stage as the last pay drawn, before retirement. It

is further contended that pursuant to a fresh counselling, the petitioner was

appointed as an Excise and Taxation Officer w.e.f. 02.07.2018.

3. The grievance of the petitioner is that since the authorities have failed to fix the appropriate pay, payable to the petitioner as Block Development and Panchayat Officer, therefore, he is also not getting appropriate salary as an Excise and Taxation Officer. The petitioner is stated to have sent the representations (Annexures P4, P7 and P9), respectively.

4. Keeping in view the aforesaid facts, it is considered appropriate to dispose of the writ petition while directing the Secretary, Department of Rural Development and Panchayat, Punjab, to consider the representations of the petitioner and pass a speaking order, after granting him an opportunity of hearing, within a period of two months, from today. It would be noted here that the Court has not expressed any opinion on the merits of the case and the respondent No.1 shall independently decide the claim of the petitioner on the basis of the facts and statutory rules.

(Anil Kshetarpal)
Judge

February 08, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No