

CWP-13151-2007 (O & M)
CWP-15956-2007 (O & M)
CWP-15955-2007 (O & M)
CWP-5231-2008 (O & M)

-1-

In the High Court of Punjab and Haryana at Chandigarh

208-4 cases

CWP-13151-2007 (O & M)
Date of Decision: March 02, 2022

JAGDEV SINGH SAINI AND ORS.

....PETITIONERS

VERSUS

PUNJAB STATE COOP. SUPPLY AND
MARKETING FED. LTD.

....RESPONDENT

CWP-15956-2007 (O & M)

ANIL GHAZAN AND ORS.

....PETITIONERS

VERSUS

PUNJAB STATE COOP. SUPPLY AND
MARKETING FED. LTD.

....RESPONDENT

CWP-15955-2007 (O & M)

SANDEEP PURI AND ORS.

....PETITIONERS

VERSUS

PUNJAB STATE COOP. SUPPLY AND
MARKETING FED. LTD.

....RESPONDENT

CWP-5231-2008 (O & M)

TARA SINGH AND ORS.

....PETITIONERS

VERSUS

PUNJAB STATE COOP. SUPPLY AND
MARKETING FED. LTD.

....RESPONDENT

CWP-13151-2007 (O & M)
CWP-15956-2007 (O & M)
CWP-15955-2007 (O & M)
CWP-5231-2008 (O & M)

-2-

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Rajiv Atma Ram, Senior Advocate with
Mr. Brijesh Khosla, Advocate for the petitioner(s).

Mr. Brijesh, Advocate for petitioners No.1 to 18 in
CWP-13151-2007 and petitioner No.23 in
CWP-15956-2007.

Mr. Naresh Gopal Sharma, Advocate and
Mr. Vipin Kumar, Advocate for
Mr. Mehardeep Singh, Advocate for the respondent.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioners are seeking directions to the respondent to release the pay scale of Rs.570-1080 with effect from the date of their initial appointment/promotion on the post of Assistant Accountants along with the subsequent pay revisions as have been granted to the similarly situated employees.

Learned Senior counsel for the petitioner contends that the petitioners were working on the post of Account Assistants/Assistant Accountants. The feeder cadre of these posts is the post of Clerk. Some of the petitioners had been promoted from the post of Clerk while others had been directly appointed as Account Assistants/Assistant Accountants. Other similarly situated employees, who were posted as Clerks and had been promoted as Store Keepers, Godown Keepers, Time Keepers etc. had been granted the pay-scale of Rs.570-1080. Some of the Assistant Accountants had also been granted this pay-scale while the petitioners were granted the pay-scale of Rs.525-825. He further contends that a Division Bench of this Court in an appeal bearing LPA No.338 of 1998 decided on 17.05.2004 has affirmed the order of the Coordinate Bench of this Court passed in CWP-5298-1986

CWP-13151-2007 (O & M)
CWP-15956-2007 (O & M)
CWP-15955-2007 (O & M)
CWP-5231-2008 (O & M)

-3-

titled as **Tapinder Paul Walia and others versus Managing Director Punjab State Cooperative Supply and Marketing Federation Chd.**, and had directed the MARKFED therein to grant the same pay-scales as were granted to other similarly situated employees in view of the factum that the promotion from the post of Clerk takes place to various categories of posts. He also contends that the claim of the petitioners has been erroneously rejected by the respondents on the ground of delay and also the fact that the petitioners had not approached the Court while others, who had approached the Court, had been granted the relief. He has relied upon the judgment of the Division Bench of this Court in the case of **Satbir Singh vs. State of Haryana, 2002 (2) SCT 354** wherein it has been held that if similar employees have been granted relief by the Court then the Government has to extend the same relief to other similarly situated employees, who may not have approached the Court. He also contends that the demand of a higher pay scale is a recurring cause of action and delay could not come in the way of the petitioners. They did not approach the Court earlier and had been representing to the respondents to grant them the relief as had been granted to the other similarly situated employees.

Heard.

The petitioners were working on the post of Account Assistants/Assistant Accountants. The feeder cadre of these posts is the post of Clerk. The petitioners have been denied the pay scale of Rs.570-1080 with effect from the date of their initial entry into service. In CWP-5298-1986 titled as **Tapinder Paul Walia and others versus Managing Director Punjab State Cooperative Supply and Marketing Federation Chd.**, the employees of the MARKFED, who are similarly situated as the petitioners herein and were working on the posts of Account Assistants/Assistant Accountants, had been

CWP-13151-2007 (O & M)
CWP-15956-2007 (O & M)
CWP-15955-2007 (O & M)
CWP-5231-2008 (O & M)

-4-

granted the pay scale of Rs.570-1080 with effect from the date of their initial entry by this Court. It was also held that promotion from the post of clerk takes place to various categories of posts and all those, who were working on the promoted posts, are entitled to the pay scale of Rs.570-1080. The case of the petitioners appears to be covered by the ratio of this judgment which has attained finality as LPA there against was dismissed. Thereafter review application was filed by the MARKFED, which was also dismissed vide order dated 27.10.2006. The respondent No.1-MARKFED filed SLP (Civil) No.20712 of 2006 against the order dated 27.10.2006, which was also dismissed by the Supreme Court on 03.01.2007. After dismissal of the SLP by the Supreme Court, MARKFED had granted the benefits of pay scales to the petitioners therein.

Therefore, in view of the above and in the light of the judgment of this Court in the case of Satbir Singh vs. State of Haryana (supra), the petitioners would be entitled to the same pay-scales as were granted to other similarly situated employees.

Consequently, the petitions stand disposed of with the direction to the respondent 'MARKFED' to grant the same pay scale as was granted to the other similarly situated employees in CWP-5298-1986 within a period of six months from the date of receipt of certified copy of this order.

(ANUPINDER SINGH GREWAL)
JUDGE

March 02, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No