

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-20910-2012

DATE OF DECISION: 10.10.2022

RATTAN LAL

... Petitioner(s)

Versus

STATE OF PUNJAB AND ORS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

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

Mr. R.D. Bawa, Advocate

Mr. Samuel Gill, Advocate

Mr. Dipanshu Kapur, Advocate for respondent No.3.

Mr. Inderpreet Singh Kang, AAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking a direction to the respondents to release the annual increment from 23.05.1983 to 01.05.1984.

Learned counsel for the petitioner submits that the petitioner was appointed as an Expert Weaver in the pay scale of Rs.400-600/- on 17.05.1983. He was later transferred to the Punjab State Handloom and Textile Development Corporation Ltd. (PUNTEX) w.e.f. 30.06.1984 and he was entitled to the annual increment on 01.07.1984 but the same has also not been paid. He also submits that the grant of increment would be a recurring cause of action and the petitioner cannot be non-suited on account of delay as in the order whereby notice of motion was issued, counsel for the petitioner had submitted that he is restricting his claim to the payment of arrears up to 38 months prior to the filing of this writ petition. He also states that 32 other employees who are similarly situated as the petitioner had been granted that additional increment on their initial appointment. He also submits that earlier,

the petitioner was not paid the salary and he had approached the Labour court and in pursuance of the order of the Labour Court, salary was paid to the petitioner. He further submits that this Court by the orders dated 06.12.2016 and 14.12.2017, had directed the respondents to file an affidavit within a period of two weeks and in case there is any delay in filing the affidavit, the State has to pay costs of Rs.25,000/-. Cost has not been paid till date. The petitioner has already retired from service from the post of Weaver. Calculation sheet has also been filed by the petitioner by way of preferring civil miscellaneous application which indicates that a sum of Rs.75,000/- would accrue to the petitioner. He also submits that 32 other employees, who have been transferred along with the petitioners, have been granted additional increment.

Learned counsel for the respondents, however, submits that the petitioner had been appointed purely on *ad hoc* basis in Textile Marketing Organization, Hoshiarpur initially for a period of 6 months and subsequently for another period of 6 months which was extended up to 30.06.1986. The officials who are working in the organization were later transferred to PUNTEX w.e.f. 30.06.1984. This was a fresh appointment and they were not entitled to any of the benefits of the past service. After the transfer of these centres of Corporation, all the posts which were sanctioned for running of these centres stood abolished w.e.f. 30.06.1984. He also submits that this petition has been preferred after 29 years. The details could not be verified that 32 other similar situated employees have got this benefit as the record is old and the centres have shut down. The State also has written to PUNTEX in this regard but had not received any reply.

Learned counsel for the respondents –PUNTEX submits that the petitioner had joined the Jail Department in 1993.

Heard.

The petitioner had been appointed on *ad hoc* basis for a period of 6 months. Later on, his services were extended for a period of 6 months. The Textile centres where the petitioner had been appointed were discontinued and the centres were transferred to PUNTEX and the posts were also abolished. The employees were later adjusted in the PUNTEX and their pay had been protected. It is true that the grant of increment relates to his payment of salary and would be a recurring cause of action. The petitioner has already retired from service from the post of Weaver in the Department of Jails, Punjab. This Court by the order dated 09.08.2016, had directed the respondent-State to file an affidavit that as to how the benefit of increments was granted to 32 employees, who were transferred along with the petitioners, and why the petitioner was not found entitled to the increment. In the affidavit filed on behalf of the respondents, it is stated that the details of 32 employees are not available. The respondents have not controverted that other employees, who had been transferred along with the petitioner, had been granted the benefit of additional increment which has been denied to the petitioner.

The petitioner has retired from the post of Weaver in the Department of Jails. The artisans have to be encouraged and accorded fair treatment. It would be in the interest of equity, justice and fairplay, if the petitioner is reasonably compensated.

In view of the above, the petition is allowed and the respondent No.1 is directed to pay a sum of Rs.75,000/- to the petitioner within a period of one month from now.

10.10.2022

SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No