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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-284-2014 (O&M)****Date of decision : April 19, 2022****Rajinder Parshad****.....Petitioner****Versus****State of Punjab and others****....Respondents****CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Surinder Thakur, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

Mr. Ashok Bhardwaj, Advocate for respondents No. 2 and 3.

LISA GILL, J.

Petitioner is aggrieved of calculation of remuneration which was released to him on his re-employment on the post of Reader at Fast Track Court, Hoshiarpur.

It is submitted that the petitioner retired from the post of Senior Assistant/Translator from the Court of Sessions, Hoshiarpur on 31.07.2005 on attaining the age of superannuation. He was re-employed on the post of Reader at Fast Track Court on contract basis on a fixed remuneration of Rs.7,000/- per month. Copy of his appointment letter dated 19.06.2008 is attached as Annexure P7. Appointment of the petitioner was initially for a period of one year/till existence of Fast Track Court. Tenure was extended on 05.08.2009 at fixed remuneration of Rs.7,000/- per month. Petitioner's tenure was yet again extended vide order dated 09.08.2010 (Annexure P-6 Colly.), passed by the learned District and Sessions Judge, Hoshiarpur on remuneration, in terms of letter No.

11174 E.II/V.B. 3 (Hry.) dated 22.04.2010 (Annexure P1) by this Court with another extension vide order dated 15.07.2013 (Annexure P-6 Colly.) with remuneration as per direction, in letter dated 22.04.2010.

Petitioner filed the present writ petition in December, 2013 with a grievance that as per memo dated 02.04.2010, a Reader is entitled to fixed remuneration of Rs.18,000/- per month as has been further clarified by memo dated 05.07.2012 (Annexure P3) but the petitioner has wrongly been given much lesser emoluments. It is further submitted that order dated 23.12.2010 fixing the petitioner's remuneration has been erroneously passed by the learned District and Sessions Judge, Hoshiarpur. It is submitted that the petitioner has been subjected to gross discrimination inasmuch as Rs.18,000/- is being released to one Harbans Singh, who was also re-employed as a Reader at Fast Track Court, Hoshiarpur and was similarly situated as the present petitioner. It is, thus, prayed that this petition be allowed.

Learned counsel for respondents No. 2 and 3 while refuting the arguments raised on behalf of the petitioner submits that remuneration released to the petitioner has been correctly calculated. Petitioner, it is stated, had been re-employed on a fixed salary of Rs.7,000/- on 19.06.2008 and after extension of his service on 09.08.2010, remuneration was fixed in terms of letter dated 22.04.2010 (Annexure P1). It is submitted that petitioner had in fact accepted remuneration as fixed in terms of letter dated 22.04.2010 on his extension on 09.08.2010 and has unnecessarily filed this writ petition at a belated stage. All allegations of discrimination are denied being incorrect as it is submitted that the same formula has been applied for calculation of remuneration to Harbans Singh as well, whose last pay drawn happened to be Rs.50,596/-, therefore, he was in receipt of remuneration of Rs.18,000/-. It is, thus, prayed that this petition be dismissed.

Heard learned counsel for the parties and have gone through the record with their able assistance.

Appointment of the petitioner on the post of Reader at Fast Track Court, Hoshiarpur subsequent to his retirement, is a matter of record. Admittedly, the petitioner was being paid remuneration of Rs.7,000/- per month till 09.08.2010 when his remuneration was directed to be fixed in terms of instructions dated 22.04.2010. It is stated in instructions dated 22.04.2010 that remuneration of a Reader of Fast Track Court, Hoshiarpur shall be Rs.18,000/- w.e.f. 01.04.2010 and it is further provided as under:-

“ You are further informed that the aforesaid staff of Fast Track Court will not be entitled to any other emoluments/allowances in addition to the fixed emoluments as mentioned above and **in case of retired employees on their re-appointment, the total of their pension and emoluments shall not increase their gross last pay. In such eventuality their fixed emoluments will be reduced to the extent to bring it at par with their last gross pay as on the date of their retirement** (emphasis added).”

Remuneration of the petitioner was, thus, re-fixed as under:-

Last Pay drawn on 31.07.2005		Revised pay		Revised pension fixed w.e.f. 01.01.2006	
Pre revised basic pay before 01.01.2006	Rs.8650/-	Basic pay fixed notionally w.e.f. 01.01.2006 under the Punjab Civil Services (Revised Pay), Rules, 2009	Rs.20290/-	Revised Basic Pension	Rs.9457/-
D.A.	-	D.A.	-	D.A. @ 45% as on 01.07.2010	Rs.4256/-
Total	Rs.8650/-	Total	Rs.20290/-	Total	Rs.13713/-

Basic pay fixed notionally w.e.f. 01.01.2006 under the	
Punjab Civil Services Revised Pay Rules, 2009	= Rs.20290/-
Minus total of revised Pension	=Rs.13713/-
Remuneration admissible to Sh. Rajinder Parshad,	
Reader, in Fast Track Court w.e.f. 01.08.02010	=Rs.6577/-

Learned counsel for the petitioner has sought to rely upon communication dated 05.07.2012 (Annexure P3) to submit that the petitioner was in fact entitled to remuneration of Rs.18,000/-. However, bare reading of the said communication reveals otherwise. Communication dated 05.07.2012 (Annexure P3) reads as under:-

“ I am directed to refer you on the subject noted above and to inform you that earlier decision communicated vide letter No. 20018 E.II/V.II.B.3 (Hry) dated 25.05.2011 stands revised and it is recommended that the retired employees, who are posted in Fast Track Courts in the States of Punjab and Haryana as Reader, Stenographer, Ahlmad and Peon shall be paid remuneration of Rs.18,000/-, Rs.18,000/-, Rs.17,000/- and Rs.7,500/- respectively in addition to the pension drawn by them but the total emoluments shall not increase their gross last pay while in service. **In such eventuality, their fixed emoluments will be reduced to the extent to bring it at par with their last gross pay while in service.** (emphasis added).”

It is, thus, apparent that remuneration of the petitioner has been calculated in terms of instructions dated 22.04.2010 and clarification dated 05.07.2012. Plea regarding discrimination meted out to the petitioner as compared to one Harbans Singh is also devoid of any merit. Perusal of order, Annexure P5, fixing remuneration to be released to Harbans Singh reveals that the very same formula has been pressed into service. Calculation of remuneration to be released to Harbans Singh reads as under:-

Last Pay drawn on 30.04.2012		Pension fixed w.e.f. 01.05.2012	
Pay	50596/-	Basic Pension	Rs.15506/-
D.A.	--	D.A. @65% as on 01.01.2012	Rs.10078/-
Total		Total	Rs.25583/-

25593 + 18000 = 43593 (which is less than) 50596. Hence Remuneration fixed = Rs.18000/-.

It is apparent that the same formula has been used for calculating remuneration to be released to the petitioner. As Harbans Singh was having his last drawn pay as Rs.50,596/-, he was in receipt of Rs.18,000/-. It is relevant to note that there is no challenge to instructions dated 22.04.2010 in this writ petition. Learned counsel for the petitioner is unable to point out any illegality or infirmity in the method adopted by the respondents in calculation of remuneration afforded to the petitioner, who was appointed as a Reader post his retirement. In my considered opinion, no ground is made out for any interference in this writ petition.

No other argument has been addressed.

Writ petition is, accordingly, dismissed with no order as costs.

April 19, 2022

rts

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(LISA GILL)
JUDGE