

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7370-2016
Reserved on: 17.11.2022
Date of decision: 22.12.2022

ROMESH KUMAR AND ANOTHER

...Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sherry K. Singla, Advocate
for the petitioners.

Mr. Mohit Kapoor, Addl. A. G., Punjab.

Mr. H. K. Aurora, Advocate
for respondent No.4.

JAISHREE THAKUR, J.

1. The instant writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for quashing order dated 05.09.2012 (Annexure P-4), whereby the claim of the petitioners with regard to the arrears of revised pay scale of Rs.5000-8100, with effect from 01.01.1996 for the last 38 months from the date of filing of CWP No.18574 of 2003 has been declined and further seeking a writ in the nature of mandamus directing the respondents to grant the arrears of revised pay scale along with 18% interest per annum.

2. In brief, the facts as stated are that the petitioners herein being fully eligible and qualified, were appointed as Work Supervisors in the office of

Municipal Corporation, Jalandhar. The petitioners were given the pay scale of Rs.950-1800 w.e.f. 01.01.1986, whereas the Work Supervisor working in the other part of the State i.e. Municipal Corporation, Ludhiana etc., were being given pay scale of Rs.1500-2640. The petitioners prayed the respondents to give them the same pay scale, which was being paid to their other counterparts working as Work Supervisors with effect from 01.01.1996 i.e. Rs.5000-8100. The petitioners herein agitated for being given the same pay scale, which was being given to their other counterparts working as Work Supervisors and in this regard, several representations/legal notices were served upon the respondents, however, as the necessary relief was not given, the petitioners approached this Court by way of filing *CWP No.18574 of 2003*, titled as *Ramesh Kumar and others versus State of Punjab and others*, which was disposed of on *01.12.2003*, directing the respondents to take a decision on the representation filed by the petitioners, within a period of four months. In pursuance to the said order, the claim of the petitioners was rejected vide order dated 26.03.2004 (Annexure P-2), which made the petitioners approach this Court again by way of filing *CWP No.11753 of 2004*, which was admitted on 21.04.2006 and remained pending before this Court. In the meantime, other similarly situated persons filed *CWP No.15419 of 2001*, titled as *Jagdev Singh and others versus State of Punjab and others*, seeking arrears of revised pay scales for 38 months prior to the filing of their writ petition, to be granted to them. By an order dated 14.02.2013 passed by the Director, Department of Local Government, Punjab, the department decided to pay the arrears to the petitioners in CWP No.15419 of 2001, upto the period of 38 months prior to the date of filing of their Civil Writ Petition. The petitioners herein, who had earlier filed CWP No.11753 of

2004, which stood admitted, prayed for an early hearing of the writ petition vide CM No.17655 of 2013 in CWP No.11753 of 2004, on the ground that their matter stands covered by the order dated 14.02.2013 passed by the Director, Department of Local Government, Punjab and the same relief be also granted to them. The writ petition was listed for hearing and vide order dated 15.01.2014, the said writ petition was disposed of as infructuous as the main relief claimed by the petitioners i.e. to grant them pay scale of Rs.5000-8100 had been allowed. It was also observed that denial of arrears would lend a fresh cause of action to the petitioners, leaving it open to the petitioners to seek their remedy against the subsequent order, in accordance with law. The respondents, however, have rejected the claim of the petitioners for arrears, which has led to the third round of litigation.

3. Learned counsel for the petitioners herein would contend that the action of the respondents in denying the payment of arrears of revised pay scale of Rs.5000-8100 to the petitioners for the last 38 months from the date of filing their first writ petition i.e. CWP No.18574 of 2003 is contrary to the relief already granted by this Court to the similarly situated persons working as Work Supervisors in Municipal Council, Bathinda by granting them arrears of pay scale for total period of 38 months prior to the filing of their writ petition. He submitted that the co-employees of the petitioners in **CWP No.7774 of 2015**, titled as **Sabita Ram and others versus State of Punjab and others**, decided on **21.12.2015**, have also been granted the arrears of revised pay scale for a period of 38 months prior to filing of their writ petition. He would further submit that the case of the petitioners herein are also covered by the judgment passed by this Court in **CWP No.15763 of 2013**, titled as **Rajdeep Singh versus State of**

Punjab and others, decided on 28.07.2015, vide which the respondents were again directed to grant the arrears of revised pay scale for the period of 38 months prior to the date of filing of the writ petition. He would contend that the petitioners submitted a detailed representation dated 05.03.2016 (Annexure P-14) to the respondents raising the same claim for the arrears of the revised pay scale, but to no avail.

4. Learned State counsel, vehemently opposed the relief as sought by the petitioners herein, however, despite all attempts, is not able to distinguish the abovesaid factual position and the case of the petitioners herein from other similarly situated persons as referred hereinabove, who have already been allowed the benefit of arrears of revised pay scale restricted to 38 months prior to the filing of their writ petition.

5. I have heard learned counsel for the parties and with their able assistance have gone through the pleadings of the case.

6. In view of the above facts and circumstances, the petitioners herein are found to be entitled to arrears of enhanced pay scale, limited to the period of 38 months prior to their filing of CWP No.18574 of 2003. The same shall be released to the petitioners within a period of three months from the date of receipt of certified copy of this order, failing which, the amount due shall carry interest at the rate of 6% per annum till payment.

7. Consequently, the instant writ petition stands allowed.

22.12.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

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