

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Decided on : 11.02.2022

216 **CM-2708-LPA-2021 in CM-4240-LPA-2019**
in/and LPA-1865-2019(O&M)

Punjab and Haryana High Court, Chandigarh **....Appellant**

VS

Baljit Singh and others**Respondents**

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Vikas Chatrath, Advocate
for the applicant-appellant.

Ms. Supriya Garg, Advocate
for non-applicants/respondents No. 1 to 7.

AJAY TEWARI, J.(Oral)

CM-2708-LPA-2021

1. This application has been filed for setting aside of the order dated 16.8.2020 whereby the respondents have been directed to not press COCP No. 2564 of 2019.

2. With the consent of the parties, main case is taken up on Board for hearing for today itself for final disposal.

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3. This is an application for condonation of delay of 317 days in filing the appeal.

4. For the reasons recorded in the application, the same is allowed and delay of 317 days in filing the appeal is condoned.

5. This appeal has been filed for setting aside the impugned judgment dated 1.11.2018 passed by a Single Judge in CWP-18847-2016 and order dated 6.9.2019 passed in Review application No. 273 of 2019 whereby it was held that the seniors are entitled to step up of their pay on par with their juniors as a matter of right.

6. The only ground taken before us by the learned counsel for the appellant is that as a matter of fact, the grant of higher pay scale to the junior was a mistake and by an office order dated 3.9.2019 that enhanced benefit was withdrawn from those juniors. It was further argued that the amount which had been enhanced would be adjusted in future increments because as per the decision of the Supreme Court passed in ***State of Punjab and others Vs. Rafiq Masih (White Washer) etc., 2015(4) SCC 334*** since those juniors were not responsible for getting the higher pay, the recoveries could not be made from them. Learned counsel for the appellant states that no recovery was made up till 31.12.2017.

7. Learned counsel for the respondent is not in a position to deny these facts.

8. In these circumstances, though the decision of the learned Single Judge cannot be held to be wrong on law and, the same is set aside in view of the facts mentioned above.

9. Learned counsel for respondent Nos. 1 to 7 further states that the order dated 3.9.2019 has already been challenged in this Court by

way of different writ petition and that there are certain other benefits which were due to the respondents which have not been granted and prays that she may be permitted to agitate the same by way of appropriate proceedings, that prayer is allowed.

10. Appeal stands disposed of.

11. Since the main case has been decided, the pending application, if any, also stands disposed of.

**(AJAY TEWARI)
JUDGE**

**(PANKAJ JAIN)
JUDGE**

**11.02.2022
anuradha**

Whether speaking/reasoned	-	Yes
Whether reportable	-	No