

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

2023:PHHC:133039
CWP-7675-1997 (O&M)
Date of Decision: 12.10.2023

Kuldeep Kaur

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Deepak Agnihotri, Advocate for the petitioner.

Mr. D.K. Singal, Addl. AG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Learned counsel for the petitioner has taken this Court to the judgment passed by the Division Bench of this Court in the case of Hardaljit Singh vs. State of Punjab and another, CWP-7807-1991, decided on 31.10.1991, wherein the Division Bench of this court, passed the following order:-

“It is not disputed that the cadre of the petitioner is the same i.e. Assistant-cum-Accountant/Junior Auditor. The seniority is also common. The pay scale was also the same. However, Assistant-cum-Accountants have been given higher pay scale w.e.f. 01.01.1986 while in case of Junior Auditors, have been given lower pay scale. We can venture to state that the order is totally devoid of any reason. Nothing has been pointed out to differentiate between the Junior Auditor which post is held by the petitioner and other persons whom higher pay scale has

been given in the same cadre. The order appears to be arbitrary and is hit by Article 14 and 16 of the Constitution of India and is thus liable to be modified. In view of the observations made above Annexure P/7 dated 09.05.1991, is modified to the extent that the Junior Auditors would be given pay scale which has been given to the Assistant-cum-Accountant in accordance with law. This order shall be implemented expeditiously preferably within six months from today.

However, it is made clear that this order shall not affect any seniority or promotion in the cadre.”

2. It is informed that the aforesaid judgment was followed in other cases, which came to be challenged by the State Government before the Hon’ble Supreme Court by way of SLP (Civil) No.19403-05/1994, titled as ‘State of Punjab and others vs. R.s. Bhullar and others’, wherein, the Hon’ble Supreme Court by relying upon the decision in SLP (Civil) Nos.12540-40A of 1992, dismissed the same. Thus, the pay scale of Junior Auditors and that of Assistants-cum-Accountants was to be placed equally.

3. The petitioner, who was working as Junior Auditors would, therefore, be entitled to pay the same pay scale as has been granted to the Assistants-cum-Accountants, in terms of the order passed by the Division Bench (supra).

4. Accordingly, the petitioner’s pay scale would be fixed in the pay scale of Rs.1800-3200/- w.e.f. 01.01.1986, as being granted to the Assistants-cum-Accountants and consequent pay-fixation shall also be made accordingly.

5. The writ petition is allowed accordingly and compliance shall be made within three months.
6. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

12.10.2023
rajesh

1. Whether speaking/reasoned? : Yes/No
2. Whether reportable? : Yes/No