

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

CWP-7271-2019

Date of decision : 29.05.2023

RAJBIR KAUR

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Hardeep Singh, Advocate for the petitioner.

Mr. Inderpreet S. Kang, Asstt. Advocate General, Punjab.

PANKAJ JAIN, J. (ORAL)

State Counsel is not in position to dispute that the issue in principle involved in the present writ petition already stands decided by the Division Bench of this Court in **Ajay Kumar Singla vs. State of Punjab and others – CWP No.17064 of 2017** holding as under :

“(a) Notification No.7/204/2012-4FP1/60 dt.15.01.2015 having already been quashed in **Gurwinder Singh and others** (1 supra) and **Dr. Vishavdeep Singh and others** (4 Supra), there is no need to quash it again;

(b) Clarification No.7/204/2012-4FP.1/166 dt.15.01.2015 and notification GSR.3/Const/Article 309/AMD.(5)/2015 dt.22.12.2015 to the extent they held that during period of probation or if increase in such period of probation, only fixed emoluments shall be paid to the employee, which shall be equal to the minimum of pay band of the service or post to which he is appointed and shall not include Grade Pay, Special Pay, Annual Increment or any other allowance except Travelling Allowance **AND** further directing that the period of probation shall not be treated to be the time spent on the time scale applicable to his post, are quashed;

(c) Any conditions included in appointment letters issued to

petitioners on the basis of the above notifications, are also quashed;

(d) The respondents are directed to grant to the petitioners the regular pay scale along with all other emoluments, allowances etc. from the date of their initial appointment and pay the arrears within three months from today;

(e) The respondents are directed to count the period spent on probation as regular services for the purpose of determination of the total length of service under the Service Rules.

(f) The validity of the notification No. GSR.56/Const./Art.309/AMD.(18)/2016 dt.05.09.2016 issued by the State of Punjab is left open for consideration in an appropriate case.”

However it has been claimed that another decision rendered in **CWP No.6391 of 2016** titled as **Vishavdeep Singh vs. State of Punjab** decided vide 23th of October, 2018 is pending consideration before Supreme Court and notice has been issued.

Counsel does not dispute that there is no stay on the said judgment. Moreover, the fact w.r.t. pendency in Vishavdeep Singh's case (supra) has already been taken care of by the Division Bench in Arun Singla' case (supra).

Consequently, the present writ petition is disposed off in terms of judgment rendered in the case of **Ajay Kumar Singla vs. State of Punjab (supra)**.

May 29, 2023
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No