

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.210

CWP-12812-2019

Date of decision : 13.10.2023

Dr.Balwinder Kumar and others

..... Petitioners

*Versus*

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL  
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present : Mr.D.S.Patwalia, Senior Advocate, with  
Mr.A.S.Chadha, Advocate, for the petitioners.

Mr.R.S.Pandher, Sr.DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

1. Learned senior counsel appearing for the petitioners submits that he restricts his prayer in the present petition to quashing of Clause 3 of Advertisement No.9 dated 20.12.2016 issued by the Punjab Public Service Commission whereby notification dated 15.01.2015 had been made applicable to the petitioners and *qua* the second prayer with regard to issuance of directions to the State to grant pay scale of Rs.15600-39100+5400 (grade pay) his clients shall file a separate representation with the State and in this circumstance the present petition becomes squarely covered by a recent judgment of a Division Bench of this Court dated 16.02.2023 passed in a bunch of petitions in which the lead case was CWP-17064-2017 – Ajay Kumar Singla and others vs. State of Punjab and others
2. Learned State counsel very fairly does not deny the above assertion.
3. In the light of the above, the present petition is also allowed in

terms of the directions as given in Ajay Kumar Singla's case (supra) which are as follows:-

- (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 alongwith 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.

4. Liberty is also granted to the petitioners to represent to the State with regard to the grant of the higher pay scales of Rs. 15600-39100+5400 (grade pay) and in case such representation is made by the petitioners, the State shall expeditiously consider and decide the same in accordance with law.

[DEEPAK SIBAL]  
JUDGE

13.10.2023  
shamsher

[SUKHVINDER KAUR]  
JUDGE

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