

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-15712-2019 (O&M)
Date of Decision:-1.8.2023

Gagandeep Singh and othersPetitioners

Versus

The State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Navjot Singh, Advocate for
Mr. Gurpreet Singh Dhillon, Advocate for the petitioners.

Mr. Inderpreet Singh Kang, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing the instant petition, the petitioners seek striking off the condition in their appointment letters whereby their salary during probation period has been restricted to fixed monthly emoluments equal to the pay band on the new post without payment of any grade-pay, increment or other allowances.
2. Similar matters had been decided by a Division Bench of this Court in CWP No.8922 of 2017 titled Gurwinder Singh and others Versus State of Punjab and others, decided on 13.9.2018 (Annexure P-5). When this matter came up for hearing on 27.8.2019, the same was adjourned *sine die* by passing the following order:

“*Inter alia* relies on a Division Bench judgment dated 13.9.2018 rendered in CWP-8922-2017 (Annexure P-5). At the same time,

learned counsel for the petitioners fairly submits that the review petition against the Division Bench judgment *ibid* is still pending.

In the premise, the writ petition is adjourned sine die to await the outcome of the said review petition.

To be taken up on filing of appropriate application.”

3. The Registry has now put up the instant matter before this Court as the review petition filed by State has already been dismissed vide order dated 8.11.2019 passed in RA-CW-371 and 372 of 2018.
4. Learned State counsel has not been able to dispute the position of law as existing today but has informed that the State has preferred a Special Leave Petition before Hon’ble the Supreme Court against the aforesaid judgment dated 13.9.2018 and order dated 8.11.2019 passed in Gurwinder Singh’s case (supra), which is still pending and wherein no stay has been granted by Hon’ble the Supreme Court. It is also not disputed that several other identical petitions have already been disposed of in view of Gurwinder Singh’s case (supra).
5. Having regard to the aforestated position, the instant petition is also disposed of with a direction to the respondent – State to extend the same benefits to the petitioners as have been extended to the petitioners in Gurwinder Singh’s case (supra), subject of course to any decision to the contrary passed by Hon’ble the Supreme Court, if any, in the Special Leave Petition filed by the State.

1.8.2023

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No