

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

CWP-10321-2014

Date of decision : 18.01.2023

Dayal Singh and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. P.S. Jammu, Advocate
for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

Present petition has been filed claiming writ in the nature of certiorari for setting aside the impugned order dated 01.07.2013 (Annexure P-2) passed by respondent No.1, whereby the anomaly in the pay scale admissible to petitioners as well as to the other similarly situated police employees stands removed w.e.f. 01.12.2011, but not from 01.01.1986 as claimed by the petitioners.

2. The petitioners approached this Court by way of CWP No.4740 of 1991 which was decided vide order dated 01.05.2012 observing as under:-

“xx xx xx

3. The counsel for the petitioner states that the State Government has itself revised the scales of pay for police personnel by a decision taken on 15.12.2011 and has announced this decision to be applied prospectively w.e.f. 01.12.2011. According to the learned counsel appearing for the petitioner, it is admission of the fact of unfairness

in the manner of fixation of pay scales for police personnel till the decision was taken on 15.12.2011 and the petitioners cannot be left high and dry in not being given the benefit of appropriate consideration by the State to redress their grievances.

4. The limit of Court interference for determination of pay scales is too well known to be restated here. If the Government itself has stated in the counter that it had been contemplating to secure appropriate scales by putting it before the Anomalies Committee and the Pay Commission but they could not take final decision till all the petitioners had actually completed the respective service in the Police Department, the justice would be met if the State itself takes an appropriate decision at their level. If the State Government could determine the appropriate scales on 15.12.2011 and to apply prospectively, there is simply no reason why the State cannot take a decision for all the persons in the Police Department in various categories for whom the writ petitions had been filed. The appropriate decision shall be taken to consider the issue of appropriate scales that could have been granted by assessing the scales in other departments which had like duties and if such a decision is to higher pay scale, the same shall be released to the petitioners. In the event of such higher scales, to the extent it will have a bearing on the retiral benefits of the persons in the various categories of Police Department, the same shall be ordered to be released within appropriate time. The decision of the State shall be taken within a period of 4 months from the date of receipt of

copy of the order and communicated to the petitioners. The State shall be at liberty to call for representations from bodies of persons, who fall in the various categories for whom the writ petitions had been filed and entrust it to any expert body for a decision. It is most desirable that the decision does not brook any further delay since the State has allowed itself fairly a long time of more than two decades for the matter to drift without taking any definite decision as regards the same.”

3. Counsel for the petitioners submits that pursuant to the aforesaid order, the impugned order has been passed whereby though the anomaly has been removed, but the benefit has been granted w.e.f. 01.12.2011 and not from the date the anomaly was created i.e. 01.01.1986.

4. I have heard counsel for the parties and have gone through the records of the case.

5. It is evident from the order passed by this Court in earlier round of litigation that stand taken by the State was that the anomalies are being removed but with the prospective effect.

6. In view of the said stand taken by the State, a direction was issued that in case the State has decided to remove the anomaly with prospective effect, the same should be considered vis-a-vis all the employees employed in the police forces. Admittedly, the anomaly stands removed. The relief has been granted to the petitioners from the date the anomaly was removed.

7. So far as the question w.r.t. the date from which the relief will be admissible, Division Bench in LPA No.352 of 2014 held as under:-

“(27) There may thus be no room to doubt that the object of the Pay Anomalies Committee as well as the Ministers' Sub Committee was to identify the anomalous situations, if any, which had arisen on the implementation of the 5th Punjab Pay Commission and to iron out those creases. This is what precisely has been done by the Ministers' Sub Committee, who recommended re-modulation and upgradation in pay scales of various posts in different Departments.

(28) Since such alterations were to be made from the date of occurrence of the anomalous situation and such a recourse would have burdened the State Exchequer with heavy financial liability that the Ministers' Sub Committee in its wisdom took a decision to remove anomalies, prospectively. As no challenge has been laid to the cut-off date, no fault can be found with the same which has been applied uniformly in respect of all categories of employees.”

8. In view of the aforesaid observations, no fault can be found with the grant of relief from the date of removal of anomaly. Parties do not dispute that no challenge has been raised to order dated 01.05.2012 (Annexure P-1) and the same has attained finality vis-a-vis parties to the present lis. Resultantly, no ground to interfere in the impugned order dated 01.07.2013 (Annexure P-2) is made out.

9. Consequently, the present writ petition is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

18.01.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No