

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13085-2023 (O&M)

Date of decision: 16.08.2023

Gultaj Kaur

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

.....

Present: Mr. Vishal Mehta, Advocate for the petitioner.

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

DEEPAK SIBAL, J.

(1) Through the present petition, the petitioner seeks quashing of notification and circular dated 15.01.2015 (Annexure P-3 and P-4) and notification dated 22.12.2015 (Annexure P-5) through which the State has directed that in the case of new recruits like the petitioner shall be paid minimum basic salary of a pay band (without Grade Pay) as also without any annual increment or allowances except travel allowances and that on confirmation of these employees the period prior to her confirmation shall not be treated as regular service. The petitioner further prays for issuance of directions to the State to release arrears of full salary to her from the date of her appointment till the date of completion of her probation in the applicable pay scale (along with Grade Pay), annual increments and all other allowances etc.

(2) At the outset, learned counsel for the petitioner contends that the case of the petitioner is fully covered in her favour 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 No. 17064 of 2017–Ajay Kumar Singla and others vs. State of Punjab and others.**

(3) Learned State counsel very fairly does not deny the above assertion.

(4) 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 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.

(5) No costs.

(DEEPAK SIBAL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

16.08.2023

Komal

Whether speaking/reasoned? : Yes/ No
Whether reportable? : Yes/ No