

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

CWP-25952-2018

Date of decision : 20.03.2023

Arvind Pannu and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. H.S. Aujla, Advocate for
Mr. Gurbir Singh Sidhu, Advocate
for the petitioners.

Mr. I.P.S. Kang, A.A.G., Punjab.

Ms. Anu Chatrath, Sr. Advocate with
Mr. Aakash, Advocate
for respondent No.3-PUDA.

PANKAJ JAIN, J. (ORAL)

By way of the present writ petition, the petitioner has led challenge to notifications dated 15.01.2015 (Annexure P-1), circular dated 15.01.2015 (Annexure P-2), 05.09.2016 (Annexure P-3) and 22.12.2015 (Annexure P-4) to the extent that the same are totally illegal.

Reliance has been placed upon law laid down by Division bench of this Court in **CWP-17064-2017** titled as '*Ajay Kumar Singla and others Vs. State of Punjab and others*', wherein it has been held 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.

Pending application(s), if any, shall stand disposed of'.

In view of the aforesaid fact that the notifications except for Annexure P-3 already stand quashed having been held to be unjust and illegal, the present writ petition is allowed in terms of ratio of law laid in

Ajay Kumar Singla's case (supra). So far as notification dated 15.09.2016 is concerned, whereby the period of probation has increased from two years to three years, the same shall also abide by the decision taken in Ajay Kumar Singla's case (supra).

Ordered accordingly.

20.03.2023

(PANKAJ JAIN)
JUDGE

ps-I

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No