

130+294 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2023:PHHC:143332
CWP-26216-2018 (O&M)
Date of Decision: 09.11.2023

Avtar Singh and others ...Petitioners
Vs.
State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Anil Malhotra, Advocate for the petitioners.
Mr. D.K. Single, Addl. AG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

CM-18524-CWP-2023

For the reasons stated in the application, the same is allowed.

Additional affidavit is taken on record on behalf of respondent

Nos.1 and 2.

CWP-26216-2018 (O&M)

1. Learned counsel for the parties are *ad-idem* that the issue raised in this writ petition has been finally adjudicated by this Court in bunch of petition with lead case i.e. CWP-5382-2003, titled as 'Baljinder Singh and others vs. State of Punjab and others', decided on 04.08.2023. Relevant extract of the Baljinder Singh's case (supra) is reproduced as under:-

“In contradistinction of above, in the present case, where the Cadre of Patwari is same, method of selection is same and the post is same, merely because a person in the seniority list of Patwaris above, it would be a fortuitous circumstance as to who may fall within the first 50% of the seniority list of Patwaris. As and when a person may retire, the next would claim higher

grade. Seniority being a volatile incident of service as a person may go up in the seniority on account of senior persons being promoted or retired or having expired. The pay of such individual Patwari cannot be allowed to be changed on such circumstances and a stability is required to be maintained for grant of the pay scale to all persons in the Cadre.”

2. The aforesaid judgment having attained finality shall apply *mutatis mutandis* to the petitioners in this writ petition, who are similarly situated.
3. Accordingly, the writ petition is allowed. Steps shall be taken to comply with the order within a period of two months henceforth.
4. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

09.11.2023.

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| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |