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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2023:PHHC:078559

CWP No. 20720 of 2022(O&M)

Date of decision : May 31, 2023

Parvinder Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CWP No. 20823 of 2022(O&M)

Jagdeep Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CWP No. 21223 of 2022(O&M)

Amritpal Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. Nikhil Anand, Advocate
for the petitioners.

Ms. Shivani, DAG., Punjab.

Mr. J. S. Bhatti, Advocates
for PSPCL in CWP-20720-2022.

Mr. Deep Inder Singh Walia, Advocate
for respondents-PSPCL in CWP-21223-2022

PANKAJ JAIN, J. (ORAL)

These petitions have been filed seeking writ in the nature of
mandamus directing the respondents to pay the petitioners appointed through
direct recruitment full salary in pay band with grade pay and all allowances

during the period of probation along with arrears from the date of appointment and also to treat the period of probation towards the permanent service for all intents and purposes in terms of judgment rendered by Division Bench of this Court in CWP No.17064 of 2017 titled as ***Ajay Kumar Singla & ors. Vs. State of Punjab & ors. Decided on 16.02.2023.***

2 Learned counsel for the respondents do not dispute that the issue involved in the aforesaid writ petitions would be squarely covered by law laid down by Division Bench of this Court in ***Ajay Kumar Singla's case supra*** wherein the said notifications stand quashed and 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.”

4 Mr. Deep Inder Singh Walia, learned counsel appearing on behalf of the respondents-PSPCL further submits that after the matter has been settled

by the Division Bench of this Court in **CWP-17064-2017 Ajay Kumar Singla and others Vs. State of Punjab and others decided on 16.02.2023**, nothing remains to be adjudicated in these writ petitions.

In view of the statement made by learned counsel for the respondents, the writ petitions are allowed in terms of the judgment passed in **CWP-17064-2017 Ajay Kumar Singla and others Vs. State of Punjab and others decided on 16.02.2023**.

Since the main writ petitions have been decided, all the pending applications, if any shall also stand disposed off.

A photocopy of this order be placed on file of other connected cases.

**(PANKAJ JAIN)
JUDGE**

**May 31, 2023
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Whether speaking/reasoned	Yes
Whether Reportable :	No