

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22803-2023
Date of decision: 30.10.2023

Tirath Ram

.....Petitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. A.P. Singh, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, seeking directions to the respondent to grant the benefit of technical post under Chapter 26 as per recommendation of the 3rd/4th Punjab Pay Commission, accepted by the Government of Punjab and to revise the pay/pension of the petitioner for giving him the arrear pay and pension with penal interest of 18% per annum.

Learned counsel for the petitioner contends that the petitioner was appointed as Plumber in the Municipal Council Mandi Gobindgarh, District Fatehgarh Sahib on 07.10.1982 and he retired from service on 31.05.2018 on attaining the age of superannuation. The petitioner met with an accident in the year 1997 and his left leg was amputated below knee. His disability has been assessed at 50% and the same is above 40%, thus he has become disabled under the provisions of “the person with disability ‘equal opportunity’ Protection of

Right and Full Participation Act, 1995.” The petitioner moved a representation

dated 22.05.2001 to the Executive Officer Nagar Council Mandi Gobindgarh, District Fatehgarh Sahib. The petitioner gave an application to the Executive Officer Mandi Gobindgarh for issuance of pay certificate in the year 2014 and he issued certificate in favour of petitioner on 28.04.2014 mentioning therein that the salary certificate of the petitioner are being issued, wherein it has been shown that the petitioner has been getting handicapped allowances Rs.600/- as per instruction of the State Government. The Government of Punjab, Department of Finance issued instructions on 21.11.2014 to all head of the department in the State of Punjab, Registrar Punjab and Haryana High Court and District and Sessions Judge and Deputy Commissioner in the State of Punjab regarding clarification in respect of extension of service of Punjab Government employees. The Government of Punjab, Department of Finance issued notification No.2/1/97-EPI/7370 dated 19.05.1998 for giving the benefit of technical scale to its employees under Chapter 26 of the 3rd Punjab Pay Commission. Subsequently, the Government of Punjab issued instructions vide its endorsement No. SAI-DCFA-DLG-98/27107-108 dated 10.08.1998 directing all the Municipal Council in the State to give the benefit technical scale to its employees under Chapter 26 as recommended by the 3rd Punjab Pay Commission. The petitioner has submitted representation No.249 dated 09.12.2015 to Municipal Council Rajpura seeking information as to how many plumbers have been working in the Municipal Council Rajpura and as to whether such plumbers have been given the benefit of Chapter 26 as directed by the Government of Punjab. The petitioner has again submitted representation on 20.10.2016 (Annexure P-8) to the Executive officer MC Mandi Gobindgarh with a request that he may be given the aforesaid benefit. A similar representation has submitted by the petitioner on 24.07.2019 (Annexure P-9) for the redressal of the grievances but to no effect. The petitioner has again

submitted representation dated 20.01.2020 (Annexure P-10) to the Director, Local Self Government, Punjab which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the representations in a time bound manner.

Notice of motion.

At this stage, on asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1 & 2, Mr. Sanjeev Soni, Advocate, who is also present in the Court, accepts notice on behalf of respondent No.3 and Mr. Jitender Sehrawat, Advocate for Mr. Jaspreet Singh, Advocate has put in appearance on behalf of respondent No.4 by filing *memo of appearance*, and they do not object to the prayer made by learned counsel for the petitioner.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the representations dated 20.10.2016 (Annexure P-8), 24.07.2019 (Annexure P-9) and 20.01.2020 (Annexure P-10), respondent No.3 is directed to decide the representations by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

30.10.2023
Sapna

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No