

CWP-23306-2023

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2023:PHHC:133693

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23306-2023

Date of decision: 13.10.2023

Jiwan Kumar and another

.....*Petitioners*

V/s

State of Punjab and others

...*Respondents*

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. R.K. Arora, Advocate
for the petitioners.

DEEPAK MANCHANDA J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari/mandamus quashing the action of the respondents in not considering and granting the petitioners same benefit in terms of decision in CWP No.7001 of 2013 decided on 26.04.2018 i.e. the corresponding pay scale of Rs.160-400 (Category V) as revised from time to time on the basis of qualifications of Matriculation with 02 years ITI course plus one/two years Apprenticeship Training/Diploma Course.

Learned counsel for the petitioners contends that petitioner No.1 initially joined the department as Pump Operator on 12.05.2000 and petitioner No.2 joined the service of the Municipal Corporation, Moga on 06.10.1983 as Pump Attendant. Thereafter, he was appointed as Pump Operator on regular basis on 18.04.1994 and promoted as Junior Engineer on 19.06.2018. This Court while deciding bunch of writ petitions has issued directions in CWP-7001 of 2013 decided on 26.04.2018 to implement the letter dated 04.02.1969 in toto and to fix the pay scale of the petitioners in the category according to their qualifications, in

terms of letter dated 04.02.1969 from category I to VI from the date of their appointments. The petitioners through their Employees Union and also individually made representation dated 08.09.2018 for grant of pay scale of Rs.160-400 (Category V) on the basis of their qualifications in terms of decision of this Court in CWP-7001-2013 decided on 26.04.2018. Learned counsel further contends that the petitioners served a notice of demand dated 26.11.2018 (Annexure P-23) for granting them corresponding pay scale of Rs.160-400 of category V on the basis of their qualification of matriculation with 02 years ITI course plus one/two year Apprenticeship training/diploma course, which has also not been taken into consideration till date and the petitioners would be satisfied if necessary directions are given for deciding the notice of demand 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 and Mr. Sanjeev Soni, Advocate, who is also present in the Court, accepts notice on behalf of respondent No.3. They do not object to the prayer made by learned counsel for the petitioners.

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 petitioners in the notice of demand dated 26.11.2018 (Annexure P-23), respondents are directed to decide the notice of demand, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order in accordance with law.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

13.10.2023
Sapna

KUMARI SAPNA
2023.12.13 14:42
I attest to the accuracy and
integrity of this
order/judgment

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No