

CWP-24221-2023

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2023:PHHC:138492

113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24221-2023

Date of decision: 30.10.2023

Mandeep Singh and others

.....Petitioners

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Inderjit Sharma, Advocate
for the petitioners.

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 respondents No. 1 to 3 to release and pay the benefits of revised pay scales/allowances to the petitioners/employees as per the recommendation of 5th/6th Punjab Pay Commission of Government of Punjab being Mill Cadre/Common Cadre employees of the respondent No.3 i.e. the Gurdaspur Co-operative Sugar Mills Limited, Paniar, Gurdaspur in view of letter bearing No.PCF/2012/Admin/1320 dated 09.05.2012 and letter No.RSS/Market Board/SMS/3-26/6447 dated 10.05.2012 (Annexure P-40 and P-41) and letter No.3/1/2021-3FPPC/281 dated 29.10.2021 (Annexure P-47) as they are entitled to the benefits as per (Annexure P-40, P-41 and P-47) and further directions to respondents No. 1 to 3 to release the arrears of the revised pay scale i.e. dearness allowance, medical allowance, conveyance allowance etc. as per the

Recommendations of 5th/6th Pay Commission of Government of Punjab.

Learned counsel for the petitioners contends that the petitioners are serving with the respondent No.3 i.e. The Gurdaspur Co-operative Sugar Mills Limited, Paniar, Gurdaspur on the different posts. The petitioners being milk cadre employee are entitled to the benefits of 5th/6th Pay Commission of Government of Punjab and are fully eligible to get/receive the revised pay scales/allowances since the implementation of the recommendations of the 6th Pay Commission of Government of Punjab and petitioners cannot be excluded from the benefits of dearness allowances particularly when the approval of the implementation of 6th Pay Commission and revision of pay scales and allowances to the employees of Mill Cadre have already been granted vide Letter No. RCS/MS-2/73/3- Dev/Pay Scale/1634-A dated 23.12.2021 of the Registrar, Cooperative Societies, Punjab. The petitioners being fully eligible persons had earlier approached to the respondents no.1 and 2 particularly to release the pay scales as well as allowances as per the recommendations of 5th/6th Pay Commission, but their claim was not properly considered by the concerned quarters and kept the matter pending on the pretext that financial condition of the concerned Sugar Mills was not good. It is pertinent to mention here that so far as Financial condition of respondent no.3 i.e. The Gurdaspur Co-Operative Sugar Mills Limited, Paniar, Gurdaspur is absolutely good and huge quantity of sugar is being sold at a very good market rate, but claim of the petitioners to grant/release the allowances is being delayed without any reasonable excuse. The petitioners have also served detailed representation dated 28.09.2023 (Annexure P-49) to the respondents No.1 and 2 for granting the benefits of pay scales and allowances as per the recommendations of 5th/6th Pay Commission being fully entitled, but no positive action was taken by the respondents No.1 and 2 and said representation is

contends that the petitioners would be satisfied if necessary directions are given for deciding the representation dated 28.09.2023 (Annexure P-49) 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 & 4 and submits that the respondent No.2 is the competent authority to decide the representation.

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 representation dated 28.09.2023 (Annexure P-49), respondent No.2 is directed to decide the representation 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.

30.10.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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