

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

293

CWP-3009-2021 (O&M)
Date of decision: 03.05.2024

Chanchal Singh and another

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Mr. Satnam Preet Singh, DAG, Punjab.

AMAN CHAUDHARY. J (Oral)

1. The prayer in the present petition is for directing the respondents to rectify the anomaly in the pay scale of the petitioners viz-a-viz the Clerks working in the establishment of the Civil Secretariat, Punjab, Chandigarh and Punjab and Haryana High Court as also pay the arrears of revised pay including conveyance allowance along with special pay w.e.f. 01.12.2011.
2. Learned counsel would submit that the petitioners, prior to their retirement, were working at the post of Restorers, which was in the same pay scale i.e. Rs.3120-5160 w.e.f. 01.01.1996, with Clerks. As per the recommendations of 5th Punjab Pay Commission, both these category of posts were again placed in the similar pay band of Rs.5910-20200+Rs.1900/- Grade Pay and the employees working in the High Court were extended the pay scales as were for Clerks/Restorers working in the establishment of Civil Secretariat, Punjab. The Service Rules applicable to the former, govern the service of the petitioners as well. The grievance raised in the present *lis* is that the pay scale of Clerks have been revised twice over, however, not that of Restorers, in which regard, a number of representations were made as also that the case of the petitioners was

recommended for consideration by respondent No.3, however, no decision has been taken, due to reasons best known. He submits that the claim of the petitioners is squarely covered by the judgment in the case of **Gurbir Singh and others vs. Punjab and Haryana High Court and another**, CWP-488-2015, decided on 16.01.2015, Annexure P-8, wherein Restorers of this Court were allowed the revision of pay scales, thereby restoring the status quo ante as on 01.01.2006 and the monetary benefits including difference of arrears of pay accruing therefrom were calculated and paid to the petitioners and non-party holders within two months, whereby the Committee of Hon'ble Judges had accepted their grievances as genuine, which stood approved by Hon'ble the Chief Justice in exercise of powers vested in him under Article 229 of the Constitution. The terms and conditions of service were held to be governed by the said decisions, which is binding on the State government. Thereafter, in CWP-18466-2014, **Anuj Kumar Sharma and another vs. State of Punjab**, preferred by the Restorers working in the Civil Secretariat, Punjab, this Court disposed of the same directing Finance Department or the Pay Anomaly Committee, to decide the claim in terms of Gurbir Singh (supra), vide judgment dated 26.04.2017, relevant para whereof reads thus:-

“9. The Finance Department by Instructions dated 23.05.2012 has issued a direction that ‘only those proposals for revision of pay scale of employees is to be submitted to finance Department in which the anomaly has arisen as a consequence of re-revision of pay scale of a post on the recommendations of the Cabinet Sub-Committee whereby the pay scale of promotional post has become lower than the pay scale of the feeder post’. The instant case is a fit case to be placed before the Finance Department or before the Pay Anomaly Committee for consideration of removal of the pay anomaly that has been created. The petitioners herein are Telephone Attendants who were in the same pay scale as Clerks, Constables, Photostat Machine Operators etc. A post of a Clerk can be filled up by promotion from Restorers who has the necessary qualification and at serial No. 19 the only source of recruitment to the post of Telephones Attendant is by promotion from the post of Restorers. Therefore, a person being promoted to a higher post cannot under any circumstances be in a lower pay scale.

10. In view of the above situation, where an anomaly has arisen in the pay scale of the petitioners being higher in post than the Restorers, while getting a lower pay scale, it is directed that this matter be placed before the Finance Department in view of their own Instructions dated 23.05.2012 for consideration of removal of pay anomaly of the petitioners herein while keeping the judgment rendered in Gurbir Singh's case (supra) in mind where Restorers pay scale has been brought on par with Clerks.

11. Let this matter be considered by the Finance Department/or the Pay Anomaly Committee in its true perspective within a period of four months on receipt of a certified copy of this order. Needless to say in case the claim of the petitioners is being rejected, a speaking order be passed in this regard, which the petitioners would be at liberty to challenge. In case claim of the petitioners has merit, the monetary benefits including difference of arrears of pay accruing there from be calculated and paid to the petitioners within 2 months thereafter.”

3. **Kanta Kumari and others vs. State of Punjab and others**, CWP-4456-2016, being covered by the judgment in the case of **Anuj Kumar Sharma** (supra), was also disposed of by this Court in terms thereof, vide judgment dated 24.05.2018.

4. Learned State counsel despite his best efforts, has been unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law.

5. In view of the aforesaid, the present petition is disposed of in terms of the judgment passed in **Anuj Kumar Sharma** (supra).

(AMAN CHAUDHARY)
JUDGE

03.05.2024
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No