

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112

CWP-11289-1996 (O&M)
Date of decision: 12.03.2024

DEV SHARMA

....PETITIONER

Vs.

UNION OF INDIA & ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Saksham Mahajan, Advocate
for the petitioner.

Mr. Harneet Singh Oberoi, Central Government Counsel
for the respondents-Union of India.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking multiple prayers, however, Mr. Saksham Mahajan, Advocate submits that at this stage, he confines his prayer to extend him benefit of pay scale as available to Assistant Commandant. He does not press his other prayers.
2. As per Section 153(1) of Indo-Tibetan Boarder Police Force Act, 1992 (for short ‘1992 Act’), the officers of the ITBP have been classified into different categories. The expression ‘officer’ apart from others includes Assistant Commandant and as per Explanation-I of said section, Assistant Commandant shall also include Joint Assistant Commandant in case of personnel belonging to cadre of Motor Mechanic. The respondent vide notification dated 28.06.1996 (Annexure P-3) re-designated post of Platoon Commander (Motor Mechanic) as Joint Assistant Commandant (Motor Mechanic). Thus, the petitioner w.e.f. 28.06.1996 became eligible to pay scale available to Assistant Commandant.

3.

Faced with this, Mr. Oberoi concedes that authorities have not examined claim of the petitioner in the light of explanation I of Section 153 of 1992 Act read with notification dated 28.06.1996.
4.

In the wake of statement of both sides, the petition stands disposed of with a direction to respondents to consider claim of petitioner for pay scale of Assistant Commandant w.e.f. 28.06.1996. The needful shall be done within 3 months from today.
5.

Pending miscellaneous applicatilon(s), if any, shall also stand disposed of.

12.03.2024
anju

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No