

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

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CWP-3936-2021 (O&M)
Date of decision: 04.04.2024

Manmeet Kaur ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Mr. Charanpreet Singh, AAG, Punjab.

AMAN CHAUDHARY. J (Oral)

1. The prayer in the present Civil Writ Petition filed under Articles 226/227 of the Constitution of India, is to issue a writ in the nature of certiorari, for quashing of order dated 15.01.2021, Annexure P-8 and for directing the respondents to rectify the anomaly in the pay scale along with arrears of pay.
2. Learned counsel submits that the petitioner was promoted from the post of Restorer to Assistant Librarian, however, the pay granted to him remained at the existing pay scale at Rs. 5910-20200+2800 which was lower than that of Restorer. Similarly situated persons, who were working on the same post, as that of the petitioner had approached this Court by filing CWP-6361-2016, **Netar Singh and others vs. State of Punjab and others**, which was allowed vide judgment dated 24.05.2018, in compliance thereof, they were granted the higher pay i.e. 10300-34800+3200 grade pay while the same has been denied to the petitioner vide order dated 15.01.2021, Annexure P-8, only on the premise that she was not a party to the said writ petition. In this regard, reliance is placed on the judgment in the case of **Satbir Singh vs.**

State of Haryana, 2002(2) S.C.T. 354, wherein a Division Bench of this Court has held that when judgments attain finality to which the State is a party, duty is casted upon the State to grant relief to its employees who are similarly situated and on identical facts and it is not necessary for the State to require each one of its employees to approach the Courts of law for the grant of a relief which the State ought to grant the employees in normal course of its administration. He thus prays, on instructions that the petitioner would be satisfied, in case a direction is given to the respondents to decide her claim in a time bound manner by granting her an opportunity of hearing.

3. Learned State counsel has no objection to the limited prayer made.

4. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to the respondents to consider and decide the claim of the petitioner, taking into account the judgment passed in **Netar Singh** (supra) and benefit granted in terms thereof, within a period of four months and if found entitled, necessary relief be granted to her forthwith.

(AMAN CHAUDHARY)
JUDGE

04.04.2024
Hemant

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