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

(101)

CWP-12511-1998

Date of Decision : October 18, 2024

Kewal Raj and others

.. Petitioners

Versus

The Chief Secretary to Government of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kanwaljit Singh, Sr. Advocate, with
Ms. Navyugjeet Brar, Advocate, for the petitioners.

Mr. Swapan Shorey, Deputy Advocate General, Punjab.

Mr. Shrome, Advocate, for
Mr. Rahul Sharma-I, Advocate, for respondent No.5.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Learned senior counsel for the petitioners submits that there were number of Corporations within the State of Punjab wherein, the employees who are working, were declared surplus and those surplus employees were absorbed in the other departments but at the time of absorption, the pay which they were drawing while working the Corporation, was not protected in some of the cases but in some of the cases, the said benefit was granted.

2. Learned senior counsel for the petitioners further submits that the benefit of protection of pay was not granted to the petitioners which

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they were drawing while working with the Punjab State Hand-loom and Textile Corporation and the similar is the case of one Balbir Singh, who was also working with the Punjab State Tubewell Corporation Limited who was declared surplus and later on absorbed in Government Department but the pay which he was drawing while working in the Punjab State Tubewell Corporation Limited, was not protected and approached this Court by filing CWP No.11379 of 1997, which writ petition was allowed and it was directed that the pay which the employees were drawing at the time of their absorption with the Government Department, should be protected. The said judgment was assailed before the Hon'ble Supreme Court of India and the same was decided while deciding ***Civil Appeal No.5955 of 1998 titled as State of Punjab and others vs. Balbir Singh and others***, while appeal was dismissed by recording the fact that certain employees, who were absorbed, the benefit of pay protection which they were drawing while working in the Corporation, was given and therefore, judgment of this Court in CWP No.11379 of 1997 titled as Balbir Singh etc. vs. State of Punjab and others was upheld.

3. Learned senior counsel for the petitioners further submits that similar benefit as being claimed in the present writ petition has already been granted by this Court while passing order in ***CWP No.7457 of 1998 titled as Santokh Singh vs. State of Punjab through the Chief Secretary to Government of Punjab Civil Secretariat Chandigarh and others, decided on 30.07.2024*** and therefore, the present petition be also disposed of in terms of ***Balbir Singh's case (supra)***, which has already been upheld.

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4. Learned State counsel has not been able to rebut the contention which have been noticed on behalf of the petitioners as raised by the learned senior counsel.

5. Keeping in view the above, the present writ petition is also disposed of in terms of the order passed in ***CWP No.11379 of 1997 titled as Balbir Singh etc. vs. State of Punjab and others.***

October 18, 2024*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No