

CWP-3264-1999 (O&M)
Date of Decision : 22-07-2024

.....Petitioner(s)

STATE OF PUNJAB ETC.

.....Respondent(s)

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

Mr. T.P.S. Chawla, Sr. DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

The present petition has been filed for allowing the petitioners to re-exercise their option for adopting the pay scale which has been revived with effect from 01.01.1986 in terms of the Notification/Circular dated 24.12.1992.

Learned counsel for the petitioners submit that the petitioners exercised option for opting the pay scale which has been revived for the period from 01.01.1986 but thereafter, keeping in view the Notification which has been issued by the Government on 24.12.1992, the petitioner intended to re-exercise their option which was not being allowed.

Learned counsel for the petitioners submit that the similar issue came up for consideration before this Court in CWP No.7855 of 2014 decided on 17.12.2018 titled “***Jinder Singh and anr. Vs. State of Punjab***”

and this Court, allowed the re-exercise of option under the instructions dated 24.12.1992.

Learned counsel for the petitioners submit that the similar relief which has been claimed, has already been allowed by this Court qua similarly situated employees, which judgment had already been implemented by the respondent-State.

Learned State counsel on the other hand submits that in ***Jinder Singh's case (supra)***, the petitioners had not exercised option for opting the pay scale which were revised from 01.01.1986 and only those employees were given option to exercise the same under the Notification dated 24.12.1992 and once the petitioners in the present case had already exercised the option and had opted for revised pay scale from a particular date, they cannot re-exercise the option in terms of the Notification dated 24.12.1992 and therefore, the claim of the petitioners are liable to be rejected.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

In the present petition, the only issue is whether, after the Notification dated 24.12.1992, the petitioners can be allowed to re-exercise the option or not especially when they had already exercised the option once?

The relevant paragraph of the Judgment has been read as under:-

“XXX

Furthermore, it is an admitted fact that the State has been implementing the order passed by this Court wherein, a large number of employees had already been allowed to re-exercise their option in terms of the notification dated

24.12.1992. Once that be so, the State is under obligation to grant the said relief to all the similarly situated persons on the same terms and conditions without asking them/forcing them to approach this Court to seek order for allowing them to exercise the option under the instructions dated 24.12.1992, by which pay scales were revised.

XXX”

A bare perusal of the above would show that this Court allowed the re-exercise of option under Notification dated 24.12.1992, even if the same had already been exercised. It has been noticed that the similar relief has already been granted to the similarly situated employees for re-exercise of the option. Even in the operative portion of the judgment in ***Jinder Singh’s case (supra)***, the petitioners therein have been allowed to re-exercise their option in terms Circular dated 24.12.1992 issued by the Finance Department. Hence, the differentiating fact being projected by learned State counsel, is not made out.

Accordingly, the claim of the petitioners is covered by the judgment in ***Jinder Singh’s case (supra)*** and the present petition is also disposed off in same terms.

Pending application, if any, also stand disposed off.

22-07-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO