

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

Date of Decision : 24-07-2024

.....Petitioner

.....Respondent(s)

STATE OF PUNJAB AND ORS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikas Chatrath, Advocate with
Ms. Tanya Sehgal, Advocate and
Mr. Abhishekh Singla, Advocate
for the petitioner.

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

HARSIMRAN SINGH SETHI, J. (Oral)

Learned counsel for the petitioner submits that as per the Notification issued by the respondent-Department, a Helper, who had qualification of Matric with ITI Diploma, which were to be granted a particular pay scale starting from 1989, which benefit has not been extended to the petitioner, which is causing prejudice to him.

Learned counsel for the petitioner submits that similarly situated employees had also approached this Court wherein, the respondents were directed that in case they possess the qualification of matriculation with ITI Diploma, they were to be granted the pay scale of Rs.950-1800 with initial start of Rs.1000/- w.e.f 03.11.1989.

Learned counsel for the petitioner further submits that the similar benefit has already been extended to the similarly situated employees.

Learned State counsel does not dispute the fact that the Helper, who was matriculate and was having ITI qualification, was to be treated as working at technical post and was allowed a particular pay scale with initial start of Rs.1000/-.

Learned counsel for the respondent submits that as the petitioner has filed the writ petition after the period of 10 years, even if the petitioner is found entitled for the benefit, the arrears be declined.

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

Once, the respondents issued a particular Notification dated 03.05.1999 (Annexure P-1), it is the responsibility of the respondents to implement the same qua the employees who are eligible to get the benefit. The employees should not be forced to approach the Court to get the benefit which the respondent-State has extended while issuing a Notification dated 03.05.1999 (Annexure P-1). In the present case, the petitioner is claiming the benefit of the Notification dated 03.05.1999 (Annexure P-1). The respondents were under obligation to consider the claim of the petitioner for the benefit under the said Notification especially when the benefits to the similarly situated employees have been extended by the respondents when they approached this Court.

Accordingly, the direction is issued to the respondents to consider the claim of the petitioner under the Notification dated 03.05.1999 (Annexure P-1) for the grant of pay scale of Rs. 950-1800 with an initial

start of Rs.1000/-. In case the petitioner is found eligible for the grant of the pay, meaning thereby, he is matriculate and possesses the ITI qualification on the day when the Notification was issued, benefit by extension as per Notification dated 03.05.1999 (Annexure P-1).

Qua the argument that the petitioner has approached this Court after a period of 10 years, the relief granted to the petitioner can be modified. In case the petitioner is found entitled for the relief as being claimed from 03.11.1989 (which date has been modified by this Court to be considered as 01.01.1986 as per the order passed in Civil Writ Petition No. 15920 of 1995 titled ***Ram Murti and ors. Vs. State of Punjab and ors.***”, decided on 13.02.1996, arrears be given to the petitioner for the period of 3 years and 2 months from the filing of the present petition, which was filed on 21.04.1999.

Learned State counsel submits that the petitioner has been designated as Junior Technician Grade-III in the year 1999, which designation the petitioner had accepted and therefore, he cannot claim the benefit especially when, the petitioner had also approached the Labour Court for the same reason.

In case, any employee becomes entitled for any benefit through a particular Notification, the same cannot be denied only on the ground that another relief has been granted to the petitioner. The grant of relief of designation as Junior Technician Grade-III in the year 1999 will not take away the right for consideration for grant of the pay scale under the Notification dated 03.05.1999 (Annexure P-1), which is to be given from 01.01.1986. Merely that the petitioner had approached the Labour Court, and the present petition is also pending relief cannot be declined especially when

nothing has come on record that under the Notification dated 03.05.1999 (Annexure P-1), claim has been rejected by any authority hence, this Court will have jurisdiction to adjudicate the claim of the petitioner.

Keeping in view of the above, the present petition is disposed of in the abovestated terms.

Let the present order be complied within a period of 3 months from the receipt of certified copy of this order.

Pending application, if any, also stand disposed off.

24-07-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

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