



CWP-8105-2000

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(214)

CWP-8105-2000

Date of Decision : August 06, 2024

Onkar Singh and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikas Chatrath, Advocate, with
Mr. Abhishek Singla, Advocate,
Mr. Akshat Kalia, Advocate and
Ms. Tanya Sehgal, Advocate, for the petitioners.

Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioners is that the petitioners claimed the benefit of enhanced pay scale w.e.f. 01.01.1986 instead of 03.11.1989, which benefit was granted to the similarly situated employees who were petitioners in ***CWP No.15920 of 1995 titled Ram Murti and others vs. State of Punjab and others, decided on 13.02.1996*** but the same has been declined to the petitioners.

2. Learned counsel for the petitioners submits that once the benefit has been given to the similarly situated employees, the petitioners should have been extended the said benefit and in the reply, the respondents have only mentioned that the judgment in ***Ram Murti's case (supra)*** has not

been implemented qua the petitioners on the ground that the petitioners



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were not party to the said petition and therefore, once the claim of the petitioners with that of the petitioners in ***Ram Murti's case (supra)*** is not being differentiated, the petitioners are also entitled for the relief as extended by the Division Bench.

3. Learned counsel for the respondents submits that the benefit of the post upon rationalization was given from 03.11.1989 only and the same was not implemented w.e.f. 01.01.1986 and therefore, the claim of the petitioners that they should be granted the said benefit from 01.01.1986 is liable to be rejected.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Once, the similarly situated employees who were the petitioners in ***Ram Murti's case (supra)***, have been granted the benefit of enhanced pay scale w.e.f. 01.01.1986 instead of 03.11.1989, the petitioners cannot be denied the same. No differentiating fact between the petitioners and petitioners in ***Ram Murti's case (supra)*** has been pointed out so as to deny the petitioners the same benefit.

6. Further, the only reason given in the reply by the respondents in paragraph 11 is that the petitioners were not the party in Ram Murti's case (supra) and therefore, same cannot be granted to them.

7. Further, as per the settled principle of law settled by the Division Bench of this Court in ***CWP No. 4382 of 2002 titled as Satbir Singh and another Vs. State of Haryana and others decided on 20.09.2002***, once the employees are held entitled for a particular benefit, the same should be extended to all the similarly situated employees by the State

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rather than forcing everyone to approach the Court claiming the same relief.

The relevant paragraph of the said judgment is as under:-

*“11. State has pervasive obligations to discharge in relation to maintaining its expected standards of employer employee relationship. As already noticed, one of the important facets of such obligations is to be reasonable and fair in granting service benefit to its employees in accordance with service rules and the principles enunciated on pronouncement of judgments by the Courts. 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. Benefit of such approach are many and it causes no disadvantage to the interests of the State. It is not necessary for the State to require each one of its employees to approach the Courts of law for grant of a relief which the State ought to grant to the employees in normal course of its administration, particularly, the cases of the kind afore-referred. Such principles is well known and accepted for years now. By referring to few judgments we would only predicate the principle with greater emphasis of its application in the day-to-day affairs of the State. In the case of **Dr.(Mrs.) Santosh Kumari v. Union of India and others, JT 1994(7) SC 565: 1995 (1) SCT 527 (SC)** the Hon'ble Apex Court held as under:-*

“The allotment of seats should go according to merit. It does not depend upon who comes to Court and who does not. The matter is one of principle and should not depend upon who comes to the Court. A more deserving candidate may not have the means of approach the Court.”

8. Keeping in view the said, the petitioners should have been extended the benefit being similarly situated as the petitioners in **Ram Murti's case (supra)**.



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9. In view of the above, the present writ petition is also allowed in terms of *Ram Murti’s case (supra)*.

August 06, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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