



CWP-9843-1998 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-9843-1998 (O&M)
Date of Decision :14.10.2024

Kesar Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Maanipur, Advocate for the petitioners.

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

* * *

Harsimran Singh Sethi, J. (Oral)

In the present petition, grievance being raised by the petitioners is that the pay scale of Rs.950-1800, which was though revised to Rs.1200-2100 vide order dated 22.12.1989 but the petitioners were not given any option to opt for the said pay scale, which is causing prejudice to the petitioners and hence, the petitioners should have been allowed to exercise a fresh option to opt for the pay scale of Rs.1200-2100.

After notice of motion, the respondents have filed the reply wherein, it has been mentioned that initially when the pay scale was revised w.e.f. 1.1.1986 and the petitioners were granted pay scale of Rs.950-1800, four months time was granted to the petitioners to exercise their option for a

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particular pay scale and the petitioners had opted the pay scale from 1.7.1986. It has been further mentioned in the reply that after further revision of pay scales from Rs.950-1800 to Rs.1200-2100, it was mentioned in the rules that within a period of 04 months, a fresh option can be exercised but as no option was received from the petitioners, their earlier option was taken into account and their pay was fixed accordingly hence, it cannot be said that any fresh option was required to be given even thereafter.

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

It is a conceded fact that when the petitioners were granted pay scale of Rs.950-1800 w.e.f. 1.1.1986, the petitioners had given option to opt for the said pay scale w.e.f. 01.07.1986. Thereafter, in the year 1989 when the further revision took place w.e.f. 01.01.1986, it was mentioned in the rules itself that a fresh option can be exercised to opt for the said pay scale but the petitioners concededly never exercised any fresh option and hence, action of the respondents taking the earlier option of the petitioners as 1.7.1986 exercised by the petitioners even to grant the pay scale of Rs.1200-2100 cannot be treated as arbitrary and illegal. Once, even after revision in the year 1989, four months time was given to exercise a fresh option but the petitioners failed to exercise their option, henceforth no further option was required to be given to the petitioners to opt for the pay scale of Rs.1200-2100.

Keeping in view the above, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.



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Civil miscellaneous application pending, if any, is also disposed
of.

October 14, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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