

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

111, 112, 115, 118 and 120

2024:PHHC:062240-DB

LPA Nos.1118, 1119, 1125, 1134 and 1142 of 2024 (O&M)

Date of Decision: 06.05.2024

Amarjeet Kaur

.....Appellant(s)

Versus

State of Punjab and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Ms. R.K. Grewal, Advocate,
for the appellant.

Mr. Saurav Khurana, Addl. A.G., Punjab.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

Delay Applications

1. Applications for condonation of delay of 44-81 days in filing the appeals are allowed, in view of averments made in the applications duly supported by affidavits.
2. Delay condoned.
3. CMs stand disposed of.

Main Cases

4. The present judgment shall dispose of 5 appeals as all the appeals arise out of similar judgments dated 01.12.2023 passed by the learned Single Judge in various cases, lead case of which is CWP-26937-2023, Amarjeet Kaur vs. State of Punjab and others. The other appeals also arise out of orders passed in other writ petitions decided on the same reasoning.
5. In principle, the relief claimed as such was the benefit of pay fixation

from the date the appellant was appointed as a teaching fellow i.e. from

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12.03.2012 which is in pursuance of the advertisement dated 05.09.2007 whereby, they were to be appointed on consolidated salary @ Rs.4,550/- per month. The benefit of regularization having been granted from 21.05.2015 was subject matter of consideration instead of from the date of joining.

6. The learned Single Judge, while dismissing the writ petition on the first occasion, held that the principle is that the pay scale shall be admissible only from the date of regularization, which opinion was formulated without calling for the reply. The review application i.e. RA-CW-38-2024 was dismissed on 01.02.2024 while referring to the cut off date i.e. 01.04.2011 and candidates appointed thereafter and, thus, it was held that there was no factual error in the order.

7. It is now pointed out that even though it had been brought to the notice of the learned Single Judge that similar matters were pending at admission stage and the learned Single Judge proceeded to decide the said matters without clubbing the same. It is pointed out that ***CWP-25452-2016, Sukhbir Singh and another vs. State of Punjab and others*** alongwith CWP No. 25579 of 2016, CWP No.24137 of 2017, CWP No.16173 of 2018 and CWP No.26592 of 2019 pertaining to the years 2017, 2018 and 2019 are also pending for 17.07.2024.

8. Counsel for the appellant has also pointed out that on an earlier occasion also, Maghar Singh had approached this Court by filing CWP-18275-2013, Maghar Singh and another vs. State of Punjab and others and the learned Single Judge had given liberty on 15.07.2015 (Annexure P-11) as such to challenge the order whereby the financial benefits were being denied from the date of their joining. It is pointed out that the appellants are physically handicapped persons and on an earlier occasion as such, had to approach this Court, as their appointments had got delayed while referring to the order passed in CWP-12886-

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2010, Jagjit Kaur and others vs. State of Punjab and others (Annexure P-2). It is, thus, submitted that it is on this account, there was a delay in their appointments and the benefits of regularization should be granted from the date they were actually appointed. It is submitted that there are also similarly situated persons, one of which being Balbir Kaur, who has been granted the benefit, which aspect would also have to be clarified by the State.

9. Keeping in view the fact that similar writ petitions are pending and pleadings were not complete before the learned Single Judge, we are of the considered opinion that in the absence of the factual matrix being clarified, the findings which have come would stand in the way of the other litigants also since the learned Single Judge decided on first principles. The writ court being the court of original jurisdiction, it would have been appropriate if response had been taken or the matters would have been adjudicated alongwith the connected matters.

10. In such circumstances, we are constrained to set aside the order dated 01.12.2023 passed by the learned Single Judge and remand the matters for fresh consideration. Let the present matters be also heard alongwith the said matters i.e. CWP-25452-2016 and other connected matters on 17.07.2024. Needless to say, we have not commented on the merits of the case since the pleadings were never completed. The learned Single Judge will take all factors into consideration.

11. Letters patent appeals stand disposed of in the abovesaid terms.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

06.05.2024

shivani

Whether reasoned/speaking

Whether reportable

(VIKAS BAHL)
JUDGE

Yes

Yes