



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

284 (27 cases) + 286
CWP-7728-2024
Date of Decision : 16.10.2024

CONSTABLE MANDEEP SINGH AND OTHERS
.... PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS
.... RESPONDENTS

Sr. No.	Case No.	Parties Name
1.	CWP-10060-2024	CONSTABLE MANJIT SINGH AND OTHERS V/S STATE OF PUNJAB AND ORS
2.	CWP-10112-2024	CONSTABLE LAKHWINDER CHAUHAN AND OTHERS V/S STATE OF PUNJAB AND ORS
3.	CWP-10192-2024	CONSTABLE RANJIT SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
4.	CWP-10204-2024	CONSTABLE GURBHINDER SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
5.	CWP-10743-2024	CONSTABLE TALJINDER SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
6.	CWP-10794-2024	CONSTABLE LAKHWINDER SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
7.	CWP-11416-2024	CONSTABLE JASVINDER SINGH AND ORS V/S STATE OF PUNJAB AND ORS
8.	CWP-11525-2024	CONSTABLE RAJBIR SINGH AND ORS V/S STATE OF PUNJAB AND ORS
9.	CWP-11587-2024	CONSTABLE ANGREJ SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
10.	CWP-11621-2024	CONSTABLE NACHHATTAR SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
11.	CWP-11628-2024	CONSTABLE TARLOCHAN SINGH

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		AND OTHERS V/S STATE OF PUNJAB AND OTHERS
12.	CWP-14952-2024	CONSTABLE KAMALJIT SINGH AND ORS V/S STATE OF PUNJAB AND ORS
13.	CWP-17625-2024	CONSTABLE NEERAJ KUMAR AND OTHERS V/S STATE OF PUNJAB AND ORS
14.	CWP-18112-2024	GURWINDER SINGH V/S STATE OF PUNJAB AND OTHERS
15.	CWP-20092-2024	CONSTABLE HARIKKATAR SINGH AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
16.	CWP-20464-2024	JASVIR SINGH AND ORS V/S STATE OF PUNJAB AND OTHERS
17.	CWP-20498-2024	KARAMJIT SINGH AND ANR V/S STATE OF PUNJAB AND OTHERS
18.	CWP-20726-2024	KARNJIT SINGH AND ORS V/S STATE OF PUNJAB AND OTHERS
19.	CWP-2390-2024	CONSTABLE GURSHINDER SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
20.	CWP-7926-2024	CONSTABLE GURCHAIN SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
21.	CWP-7929-2024	CONSTABLE RANJIT SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
22.	CWP-7966-2024	CONSTABLE MANJINDER SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
23.	CWP-9190-2024	CONSTABLE SATNAM SINGH AND ORS V/S STATE OF PUNJAB AND ORS
24.	CWP-9191-2024	CONSTABLE SURJIT SINGH AND ORS V/S STATE OF PUNJAB AND ORS
25.	CWP-9197-2024	CONSTABLE RESHAM SINGH AND ORS V/S STATE OF PUNJAB AND ORS
26.	CWP-9202-2024	CONSTABLE KARAMJIT SINGH AND ORS V/S STATE OF PUNJAB AND ORS
27.	CWP-15239-2024	CONST. SUKHWINDER SINGH AND ORS V/S STATE OF PUNJAB AND OTHERS



CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present :- Mr.Kamaldip Singh Sidhu Advocate and
Ms. Kirandeep Kaur, Advocate for the petitioners in
CWP Nos. 7728, 10060, 10112, 10192, 10204, 10743,
10794, 11416, 11525, 11587, 11621, 11628, 14952, 7926,
7929, 7966, 9190, 9191, 9197, 9202 and 15239 of 2024.

Mr. L.S.Sidhu, Advocate for the petitioners in
CWP Nos.20464, 20726 and 20498 of 2024

Mr. J.S.Mohri, Advocate for the petitioners in
CWP Nos.17625, 18112 and 20092 of 2024

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, the above-noted petitions are hereby adjudicated as issues involved and prayer sought in all the petitions are common. For the sake of convenience and with the consent of parties, the facts are borrowed from CWP-7728-2024.

2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 12.10.2023 (Annexure P-10) whereby respondent has rejected their claim with respect to pay and allowance payable during the period of probation.

3. Mr. Sidhu submits that a Division Bench of this Court vide judgment dated 16.02.2023 (Annexure P-5) in CWP No.17064 of 2017 titled as “Ajay Kumar Singla and others vs. State of Punjab and others” has held that employees during the probation period would be entitled to



minimum pay band. Another Division Bench of this Court in CWP No.6391 of 2016 vide order dated 26.10.2018 (Annexure P-6) titled as “Dr. Vishavdeep Singh and others vs. State of Punjab and others” has set aside notification dated 15.01.2015 whereby it was provided that period spent on probation shall not be treated as time spent on post and employee would be entitled to fixed monthly emoluments. The respondent despite aforementioned orders has declined claim of the petitioners of full wages during probation period.

4. Mr. Aman Dhir submits that the State has filed SLP(s) including Special Leave Petition (Civil) Diary No (s). 45385 of 2023 before Supreme Court assailing judgments of Division Bench of this Court. The Supreme Court has issued notice of motion and further stayed contempt proceedings, if any, initiated against the State.

5. I have heard the arguments of counsel for the parties and perused the record.

6. The State counsel is unable to controvert the fact that the issue involved stands squarely covered by judgment of a Division Bench of this Court in *Ajay Kumar Singla (supra)*.

7. The operative portion of judgment dated 26.10.2018 passed by Division Bench of this Court in Dr. Vishavdeep Singh’s case (supra) reads as:

“(i) *Civil Writ Petition No. 6391 of 2016 and Civil Writ Petition No. 25306 of 2017 are allowed.*

(ii) *Notification dated 15.1.2015 (Annexure-P-3), so far as it substitutes Rule 4.1 of PCS Rules and provides for*

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payment of only fixed monthly emoluments in terms of Rule 2.20-A of PCS Rules and also providing that period spent on probation by a Government employee shall not be treated to be the time, spent on such post, is hereby quashed.

- (iii) All such employees shall be entitled to same salary as paid to regular employees with effect from the date of passing of this judgment.*
- (iv) It is directed that petitioners, who are working as doctors in various departments of State Government, against existing vacancies, including those doctors, who have not approached this Court and are working against existing vacancies, shall also be entitled to benefit of this judgment.*
- (v) No orders as to costs.”*

8. The operative portion of judgment dated 16.02.2023 passed by Division Bench of this Court in Ajay Kumar Singla’s case (supra) reads as:

- “(a) Notification No.7/204/2012-4FP1/60 dt.15.01.2015 having already been quashed in Gurwinder Singh and others (1 supra) and Dr. Vishavdeep Singh and others (4 Supra), there is no need to quash it again;*
- (b) Clarification No.7/204/2012-4FP.1/166 dt.15.01.2015 and notification GSR.3/Const/Article 309/AMD.(5)/2015 dt.22.12.2015 to the extent they held that during period of probation or if increase in such period of probation, only fixed emoluments shall be paid to the employee, which shall be equal to the minimum of pay band of the service or post to which he is appointed and shall not include Grade Pay, Special Pay, Annual*



Increment or any other allowance except Allowance AND further directing that the period of probation shall not be treated to be the time spent on the time scale applicable to his post, are quashed;

- (c) Any conditions included in appointment letters issued to petitioners on the basis of the above notifications, are also quashed;*
- (d) The respondents are directed to grant to the petitioners the regular pay scale along with all other emoluments, allowances etc. from the date of their initial appointment and pay the arrears within three months from today;*
- (e) The respondents are directed to count the period spent on probation as regular services for the purpose of determination of the total length of service under the Service Rules.*
- (f) The validity of the notification No. GSR.56/Const./ Art.309/ AMD.(18)/2016 dt.05.09.2016 issued by the State of Punjab is left open for consideration in an appropriate case.*

Pending application(s), if any, shall stand disposed of.”

9. The State has filed SLP before Supreme Court wherein notice of motion has been issued and contempt proceedings, if any, have been stayed. The operation of impugned judgment and order has not been stayed, thus, this Court as per principles of uniformity, consistency and precedent is bound to follow judgment of Division Bench of this Court. Accordingly, the instant petitions are allowed in terms of judgment dated 16.02.2023 passed by a Division Bench of this Court in CWP No.17064 of 2007. The respondent shall further consider claim of

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petitioners qua arrears in terms of order dated 19.02.2024 passed by
Commissioner of Police, Ludhiana in case of similarly situated
employees.

(JAGMOHAN BANSAL)
JUDGE

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No