

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CWP-15280-2016 (O&M)
Date of decision: 05.04.2024

Rabinder Singh
....Petitioner

Versus

State of Punjab and Others
...Respondents

Paramjit Singh
CWP-24348-2016 (O&M)
....Petitioner

Versus

State of Punjab and Others
...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.K. Arora, Advocate for the petitioners
Mr. Charanpreet Singh, AAG Punjab

AMAN CHAUDHARY. J. (ORAL)

1. This common order shall dispose of above-mentioned two petitions as they involve similar issue.
2. The present Civil Writ Petitions have been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of the order dated 28.08.2015 to the extent, whereby the petitioner has been denied benefit of revised higher pay scale or Rs.14300-18150 from the due date.
3. Learned counsel submits that the petitioners, who were appointed as

Fodder Bank Supervisor on 16.02.1981 and this post was re-designated as Fodder Development Officer/Agriculture Development Officers in terms of the notification dated 19.05.1998, while revising pay scales w.e.f. 01.01.1996. On filing of CWP-23138-2010 titled as **Dr. Naresh Kumar Kataria and Others vs. State of Punjab and Others**, decided on 05.01.2012, the pay scales of Agriculture Development Officers/Horticulture Development Officers with that of Veterinary Officers of the Animal Husbandry Department, which was implemented vide order dated 27.03.2015, Annexure P-6. However, he was not granted the benefit of higher pay scale on completion of 14 years and it was allowed from 01.01.2002 instead of 01.01.1996 on the ground that the service record of the petitioner from 1980-1981 to 1990-91 is shown as no reports, service record from 1991-92 to 93-94 is shown as average, service record from 1994-95 to 96-97 was also shown as no report. The similar issue already stands decided by this Court in the case of **Gurnail Singh vs. The State of Punjab and Another** in CWP-24782-2015, decided on 28.11.2015, Annexure P-12, wherein it was held that ACRs have no bearing on the issue of pay scales, the relevant paras whereof read thus:

“6. It is past cavil that the dispute is covered by the decision of this Court when it equates the post of Veterinary Officer and Agricultural Officer/Horticulture Officer in the matter of award of pay-scales with reference to the more beneficial pay-scales available to Veterinary Officers are germane to the present cause brought on behalf of a Horticulture Officer who enjoys parity with an Veterinary Officer. The petitioner was himself a party to the previous litigation which was disposed of in his favour in terms of the decision in CWP No.23138 of 2010. The basis of the orders were dependent on reconsideration of the issue by the State itself and the production of the order dated December 21, 2011 accepting parity amongst the two counter-part posts in the same Administrative Department functioning under the Financial Commissioner (Development), Punjab. It would

seem to be a sheer waste of time to go through the formal motions of summons issued to the State and to receive reply from them only to be told the same thing in the future and, therefore, in order to save time in a covered matter this writ petition is allowed. The impugned order dated March 13, 2013 (P-7) is set aside. It may be noted that the petitioner retired from service on September 30, 2002 and no arrears of pay and allowances are to be paid to him and in view of the liberty granted, there will be a notional re-fixation of pay and allowances and consequently, the last pay drawn will be revisited but the monetary benefits would be restricted to 36 months from the date of the this petition. This is in view of the order passed in Dr. Naresh Kumar Kataria's case (supra) on the basis of which CWP No.9936 of 2012 filed by Sukhdev Singh Sandhu and four others was decided on May 23, 2012 by the learned Single Judge of this Court. In that petition, the petitioners have sought a mandamus directing the respondents to equate the posts and grant them the same revised pay-scale(s) as have been granted to their counter-parts in the Animal Husbandry Department, Punjab.

7. A writ of mandamus is thus issued to the respondents to re-fix the pay and pension of the petitioner in the light of the decision in Dr. Naresh Kumar Kataria's case (Supra) read with the decision in which the petitioner was a party. This would be done notionally w.e.f. January 01, 1996 within a period of three months from the date of receipt of certified copy of this order and irrespective of the ACRs of the petitioner which have no material bearing on the issue of pay-scales attached to posts/equated posts since the mix up has resulted from a misreading of the rules as though the authority who passed the impugned order was dealing with the benefits under the Assured Career Progression Scheme. This fallacy is removed from the impugned order. The monetary benefits and arrears of pay and pension etc. will be computed and the outstanding dues will be paid to the petitioner restricted to 36 months from the date of filing of the present petition i.e. November 26, 2015.”

4. Learned State counsel despite his best efforts is unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law.

5. In view of the aforesaid, the present petition is disposed of in terms of the judgment passed in **Gurnail Singh** (supra).

6. A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

05.04.2024
M.Kamra

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