

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

GURDARSHAN SINGH & ORS

.....Petitioner(s)

VERSUS

PUNJABI UNIVERSITY AND ANR.

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Baltej Singh Sidhu, Sr. Advocate with
Mr. Divij Dutt, Advocate,
Mr. Robin Singh Bhullar, Advocate and
Mr. Jashandeep Singh Sidhu, Advocate for the petitioners.

Mr. Ajaivir Singh, Advocate for the respondents.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance being raised by the petitioners is that while working on the post of Library Assistant, the petitioners are entitled for the pay-scale of Rs.15600-39100+5400 G.P whereas, the petitioners are only being given the GP of Rs.4400/- instead of Rs.5400/- which is being granted to the other similarly situated employees.

Learned Senior counsel appearing on behalf of the petitioner submits that two of the petitioners i.e. petitioner No.2 namely Anita Sharma and petitioner No.12 Subhjeet Kaur, have already been granted the said relief and therefore there should not be any objection on the part of the respondents to grant the other petitioners the same relief.

Learned counsel appearing on behalf of the respondents submits that apart from being petitioner in the present petition, petitioner No.2 namely Anita Sharma and petitioner No.12 Subhjeet Kaur, also filed CWP No.9555 of 1996 titled "***Smt. Anita Sharma Vs. Punjabi University, Patiala***" decided on 03.03.2016 and CWP No.239 of 1996 titled "***Sukhjeet Kaur Vs. Punjabi University, Patiala***", decided on 03.03.2016 respectively. Though, the said writ petitions are filed after the filing of the present petition, the direction was given to the Punjabi University, Patiala to determine the entitlement of the claim of grant of pay of Rs.5400/- instead of Rs.4400/- and it was under these directions, the benefit was allowed in favour of the petitioner No.2 Anita Sharma and petitioner No.12 Subhjeet Kaur.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

Once, it is a conceded position that the respondent-University upon consideration of the claim, along with benefit of Grade of Rs.5400/- in favour of petitioner No.2 Anita Sharma and petitioner No.12 Subhjeet Kaur, the same could not have been denied to the other petitioners.

Learned counsel for the respondent has not been able to point out any differentiating fact between the petitioners herein especially the other petitioners as compared to of petitioner No.2 Anita Sharma and petitioner No.12 Subhjeet Kaur. Once, the University has already granted the Grade Pay of Rs.5400/- to the similarly situated employees, who are also the petitioners in the present petition i.e., the petitioner No.2 Anita Sharma and

petitioner No.12 Subhjeet Kaur accordingly, the respondents are obligation to grant the same benefit to the other petitioners as well.

The non-grant of the same benefit to the other petitioners in fact, amounts to discrimination. Once, University granted the benefit of Grade Pay of Rs.5400/- to the petitioner No.2 Anita Sharma and petitioner No.12 Subhjeet Kaur on its own, keeping in view the settled principle of law settled by the Division Bench of this Court in CWP No. 4382 of 2002 titled as “***Satbir Singh Vs. State of Haryana***”, decided on 21.03.2002, wherein it has been held that the similar benefit should have been extended to all the other similarly situated employees rather than, forcing them to approach the Court or to continue to agitate their claim. 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."

With regard to the arguments that the petitioner No.2 Anita Sharma and petitioner No.12 Subhjeet Kaur, concealed the factum of the relief granted to them while filing the writ petition which was subsequently given in the year of 2016 by the respondents, the same cannot be of any consequences especially when, the same grievance was raised by them in 2014 and therefore, though the petitioner No.2 Anita Sharma and petitioner No.12 Subhjeet Kaur should have taken care not to agitate the same claim but , this Court had not passed any order on the said writ petition rather, the respondents themselves granted the benefit to the petitioner No.2 Anita Sharma and petitioner No.12 Subhjeet Kaur upon re-consideration of their claim, hence relief cannot be denied to the petitioner.

Keeping in view the facts and circumstances of the present case noticed hereinbefore specially when, the petitioner No.2 Anita Sharma and petitioner No.12 Subhjeet Kaur have already been granted the benefit of G.P of Rs.5400/-, and in absence of any differentiating fact between the rest of the petitioners in the present petition, not extending the same benefit to the petitioners would be illegal and arbitrary and discontinuing henceforth, the claim of the petitioners to get the benefit of G.P. of Rs.5400/- is allowed.

It is directed that the remaining petitioners will also be given the benefit of G.P. as extended in the case of petitioner No.2 Anita Sharma and petitioner No.12 Subhjeet Kaur in the same manner.

Learned counsel for the parties submits that as of now, they do not know whether any arrears were paid to the petitioners or not.

It may be noticed that whatever the benefit has been extended to petitioner No.2 Anita Sharma and petitioner No.12 Subhjeet Kaur, the same benefit be extended to the other petitioners in the same manner.

Hence, the present petition is allowed.

Pending application, if any, also stands disposed of.

19-09-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO