



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(232)

CWP No. 20571 of 2018 (O&M)

Date of Decision : 19.11.2024

Darshan Singh and others

...Petitioners

Versus

Financial Commissioner Development-cum-Secretary, Government of
Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sanjeev Kumar Arora, Advocate for the petitioners.

Ms. Shruti, Assistant Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance of the petitioners is that vide order dated 10.03.2016 (Annexure P-7), the benefit of arrears of 38 months have been denied to the petitioners, whereas, on 21.12.2016, the same authority has granted the benefit of arrears of 38 months prior to the filing of the writ petition to other similarly situated employees, hence, petitioners have been discriminated qua similarly situated employees for the grant of the same relief.

2. Learned counsel for the respondents submits that once as per the advise of the Finance Department dated 18.04.2016, the revised pay scale is to be granted notionally and fixation is to be done without any arrears, the benefit of arrears cannot be provided to the petitioners. Qua the grant of benefit to the similarly situated employees, namely, Vipin Chander and



Krishan Gopal Sharma vide order dated 21.12.2016 (Annexure P-8), learned counsel concedes the factum that the benefit has been extended to the said employees.

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

4. The only question which arises is whether petitioners are entitled for the grant of arrears for a period of 38 months prior to the filing of the writ petition, when the respondents themselves vide order dated 21.12.2016 (Annexure P-8) have granted the said benefits to the similarly situated employees after passing of the impugned order. The said assertion has gone un-rebutted.

5. Once, the similarly situated employees have been granted the benefit of arrears of 38 months period to the filing of the petition by giving due details of all the judgments and proceedings, denial of the same relief to the petitioners at an earlier point of time cannot be sustained. The same authority which has declined the claim of the petitioners vide impugned order dated 10.03.2016 (Annexure P-7) subsequently granted the same relief to the other similarly situated employees and no reason has been placed before this Court to discriminate between the said employees who have been granted the benefits and the petitioners in the present petition.

6. In the absence of any distinguishing fact between the employees who have been granted the benefit of arrears of 38 months vide order dated 21.12.2016 (Annexure P-8) and the petitioner in the present petition, the claim of the petitioners for the grant of the said benefit needs to be allowed.



7. Not only this, a Co-ordinate Bench of this Court while passing order in CWP No. 17808 of 2011 titled as ***Ishwar Singh and others Vs. State of Haryana and others***, decided on 13.02.2012 has also held that the benefit of arrears of 38 months has to be granted in such case. The said judgment is also applicable in the facts and circumstances of the present case and the same has gone un-rebutted at the hands of the respondents.

8. Keeping in view the above, as the similarly situated employees have already been granted the benefit of arrears of 38 months prior to the filing of the writ petition qua the revision of the pay scale, petitioners are also held entitled for the same relief as being extended to Vipin Chander and Krishan Gopal Sharma vide order dated 21.12.2016 (Annexure P-8).

9. Let the present order be complied with within a period of eight weeks from the date of receipt of copy of this order.

10. Present petition is allowed in above terms.

11. Pending miscellaneous application, if any, also stands disposed of.

November 19, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No