

2024:PHHC:165478



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-20368-2021 (O&M)
Date of decision : 11.12.2024

KULWINDER KAUR AND OTHERS

..... Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Ashok Kumar Arora, Advocate
for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

In the present petition, the grievance being raised by the petitioners is that the petitioners who are working as Steno Typist have not been granted the benefit of the pay scale, which have been granted to the colleagues of the petitioners, who had filed **CWP No.18463 of 2010 titled 'Satnam Singh and others vs. State of Punjab and others' decided on 12.03.2013**, which was allowed by this Court.

Learned counsel submits that the petitioners were also part of the same cadre but the benefit of higher pay scale has only been given to the petitioners of the abovementioned case and when the petitioners of present

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case also demanded the said pay scale, the same was rejected vide order dated 14.01.2021 (Annexure P-1) on the ground that as per the judgment of this Court in Satnam Singh (supra), only the petitioners of the said case were to be granted and not everyone.

Learned counsel for the petitioners submits that as per the settled principle of law settled by the Division Bench of this Court in **CWP No. 4382 of 2002 decided on 21.03.2002 titled as Satbir Singh Vs. State of Haryana**, once a question of law has been decided, the same is to be implemented upon everyone without forcing each and every employee to claim the same relief.

Learned counsel for the respondents submits that keeping in view the reply filed, the petitioners are not entitled for their claim though, concedes that the claim of the petitioners has already been rejected on the ground that the petitioners were not party petitioners in Satnam Singh (supra).

Learned counsel for the respondents has not been able to show any differentiating fact between the petitioners herein and petitioners in Satnam Singh (supra).

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

Once a claim has been allowed to the other colleagues working in the same cadre, it cannot be said that half of the employees working in a

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particular cadre will get a higher pay scale and the rest will not. This will amount to discrimination.

Even otherwise, as per Satbir Singh (supra) once the question of law has been settled for the grant of higher pay scale to a particular cadre, all the employees working in the said cadre are to be given the said benefit without forcing everyone to knock the doors of the Court. The relevant paragraph of the 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:-*

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“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.”

Keeping in view the above, as no differentiating fact has been brought to the notice of this Court between the petitioners herein and the petitioners in Satnam Singh (supra), the present petition is also allowed in same terms as Satnam Singh (supra).

Pending applications, if any, stand disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

11.12.2024
Rimpal

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