

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

224

CWP-21470-2020 (O&M)
Date of decision: 08.05.2024

Amar Singh Verma

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.K. Arya, Advocate for the petitioner.

Mr. Satnam Preet Singh, DAG, Punjab.

AMAN CHAUDHARY. J (Oral)

1. The prayer made in the present petition is for directing the respondents to rectify the anomaly in the pay scale of the petitioner viz-a-viz the Clerks as also pay the arrears of revised pay including conveyance allowance alongwith special pay w.e.f. 01.12.2011.
2. Learned counsel would submit that the petitioner is working on the post of Restorer, which was in the same pay scale i.e. Rs.3120-5160 w.e.f. 01.01.1996, as that of Clerks. As per the recommendations of 5th Punjab Pay Commission, both these category of posts were placed in the similar revised pay scale of Rs.5910-20200+Rs.1900/- Grade Pay. However, again the pay of the Clerks was revised and given a Grade Pay of Rs.2400/- while that of Restorer not increased. Even thereafter, pay of the Clerks was revised with pay scale of Rs.10300-34800+Rs.3200/- Grade Pay w.e.f. 01.12.2011 and that of Restorer was not revised. The Service Rules applicable to the latter govern the service of the petitioner as well. The grievance of the petitioner in the present *lis* is that the pay scale of Clerks have been revised twice over, however, not that of Restorers. He submits

that the claim of the petitioner is squarely covered by the judgment in the

case of **Gurbir Singh and others vs. Punjab and Haryana High Court and another**, CWP-488-2015, decided on 16.01.2015 (Annexure P3), wherein Restorers of this Court were allowed the revision of pay scales, thereby restoring the status quo ante as on 01.01.2006 and the monetary benefits including difference of arrears of pay accruing therefrom were calculated and paid to the petitioners and non-party holders within two months, whereby the Committee of Hon'ble Judges had accepted their grievances as genuine, which stood approved by Hon'ble the Chief Justice in exercise of powers vested in him under Article 229 of the Constitution. The terms and conditions of service were held to be governed by the said decisions, which is binding on the State government. Thereafter, in CWP-18466-2014, **Anuj Kumar Sharma and another vs. State of Punjab**, preferred by the Restorers working in the Civil Secretariat, Punjab, this Court disposed of the same directing Finance Department or the Pay Anomaly Committee, to decide the claim in terms of Gurbir Singh (supra), vide judgment dated 26.04.2017, relevant para whereof reads thus:-

“9. The Finance Department by Instructions dated 23.05.2012 has issued a direction that ‘only those proposals for revision of pay scale of employees is to be submitted to finance Department in which the anomaly has arisen as a consequence of re-revision of pay scale of a post on the recommendations of the Cabinet Sub-Committee whereby the pay scale of promotional post has become lower than the pay scale of the feeder post’. The instant case is a fit case to be placed before the Finance Department or before the Pay Anomaly Committee for consideration of removal of the pay anomaly that has been created. The petitioners herein are Telephone Attendants who were in the same pay scale as Clerks, Constables, Photostat Machine Operators etc. A post of a Clerk can be filled up by promotion from Restorers who has the necessary qualification and at serial No. 19 the only source of recruitment to the post of Telephones Attendant is by promotion from the post of Restorers. Therefore, a person being promoted to a higher post cannot under any circumstances be in a lower pay

scale.

10. In view of the above situation, where an anomaly has arisen in the pay scale of the petitioners being higher in post than the Restorers, while getting a lower pay scale, it is directed that this matter be placed before the Finance Department in view of their own Instructions dated 23.05.2012 for consideration of removal of pay anomaly of the petitioners herein while keeping the judgment rendered in Gurbir Singh's case (supra) in mind where Restorers pay scale has been brought on par with Clerks.

11. Let this matter be considered by the Finance Department/or the Pay Anomaly Committee in its true perspective within a period of four months on receipt of a certified copy of this order. Needless to say in case the claim of the petitioners is being rejected, a speaking order be passed in this regard, which the petitioners would be at liberty to challenge. In case claim of the petitioners has merit, the monetary benefits including difference of arrears of pay accruing there from be calculated and paid to the petitioners within 2 months thereafter.”

3. Being covered by the judgment in the case of **Anuj Kumar Sharma** (supra), this Court disposed of CWP-4456-2016, **Kanta Kumari and others vs. State of Punjab and others**, in terms thereof, vide judgment dated 24.05.2018 (Annexure P5).

4. Learned State counsel despite his best efforts, has been 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 **Anuj Kumar Sharma** (supra).

(AMAN CHAUDHARY)
JUDGE

08.05.2024
ashok

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