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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.20677 of 2024 (O&M)
Date of decision: 27.08.2024

Harmeet Singh and others
.....Petitioners
Versus
State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Kshitij Sharma, Advocate
for the petitioners.

Mr. Rajesh Sehgal, Addl. A.G., Punjab
for respondents No.1 to 3.

Mr. Rakesh Roy, Advocate
for Mr. Abhilaksh Gaiind, Advocate for respondent No.4.

NAMIT KUMAR J. (Oral)

1. Prayer in this writ petition filed by the petitioners under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to grant the pay scale of Rs.10300-34800 with Grade Pay of Rs.3200/- with an initial pay of Rs.13,500/- w.e.f. 01.12.2011 and further re-fixation of basic w.e.f. 01.01.2016, extending the benefit of 6th Pay Commission to the petitioners. Further a writ of mandamus has been sought for directing the respondent – authorities/Corporation to decide the representation/claim raised in the present writ petition in a time bound manner.
2. Learned counsel for the petitioners has placed reliance upon the order dated 23.04.2024 (Annexure P-12) passed by a Co-

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ordinate Bench of this Court in ***CWP-17592 of 2015 – Pardeep Kumar and others vs State of Punjab and others*** and connected case wherein directions have been issued to dispose of the representation to be submitted by the petitioners. The said order reads as under:-

“2. The prayer in the present petitions is for quashing the order dated 20.02.2014 as well as the letter dated 16.01.2014 and consequential proceedings as also for directing the respondents to grant the pay scale of Rs. 10,300-34,800 with grade pay of Rs.3200 with an initial pay of Rs. 13,500 w.e.f. 01.12.2011.

3. Learned counsel for the petitioners submit that during pendency of the present petitions, substantive relief has been granted to them inasmuch as the anomaly stands removed, however, for the period from the year 2011 to 2021, the discrepancy/anomaly in the basic pay still remains which needs to be addressed by the respondents, with regard to which, the submission made is that as per the schedule appended with the Punjab Civil Services (Revised Scale of Pay) Rules, 1969, the post of Conductor and Clerk were equated in the matter of grant of pay scale/emoluments. The position remained so till the issuance of notification dated 15.12.2011, implemented w.e.f. 01.12.2011, vide which Clerks were granted the revised scale of Rs. 10,300-34,800/- with grade of Rs.3200 plus initial pay of Rs. 13,500/-, whereas similar benefit has been denied to the petitioners while working on the post of Conductors, thereby breaking the pay parity without any cogent reasons whatsoever. Learned counsel, on instructions from the petitioners, pray that a fresh representation would be submitted by relying on the

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judgments supporting their claim, which may be directed to be decided in a time bound manner.

4. Learned State counsel has no objection to the limited prayer made.

5. In view of the above and without commenting on the merits of the case, the petitions are hereby disposed of with a direction to the respondents that in case the petitioners submit representations within a period of 4 weeks, the same shall be considered and decided, within a further period of 6 months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so, after notice and hearing offered to them and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to their interest, the same shall contain reasons and the petitioners shall be free to seek legal redress thereupon.”

3. Learned counsel for the petitioners submits that the petitioners are similarly situated as the petitioners in the aforesaid petitions and are not claiming arrears on refixation of their pay and they have also submitted representation dated 09.08.2024 (Annexure P-14) upon the respondents and the respondents may be directed to consider and dispose of the said representation in a time-bound manner.

4. Notice of motion.

5. Mr. Rajesh Sehgal, Addl. A.G., Punjab, accepts notice on behalf of respondents No.1 to 3 and Mr. Rakesh Roy, Advocate for Mr. Abhilaksh Gaind, Advocate has accepted notice on behalf of respondent No.4 and have no objection to the prayer made by the learned counsel for the petitioners.

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6. I have heard learned counsel for the parties and have gone through the record of the case.
7. Without expressing any opinion on the merits of the case or the claim being made by the petitioners in the present petition, respondent No.4 is directed to consider and decide the claim made by the petitioners in representation dated 09.08.2024 (Annexure P-14) in accordance with law, by passing a speaking order, within a period of six months from the date of receipt of certified copy of this order. In case, the petitioners are found entitled, necessary benefits be granted forthwith, without the arrears.
8. The petition stands disposed of.

(NAMIT KUMAR)
JUDGE

27.08.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No