



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(122)

CWP No. 21023 of 2024
Date of Decision : 29.08.2024

Sandeep Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ranjit Singh Kalra, Advocate with
Ms. Mona Yadav, Advocate for the petitioners.

Mr. T.P.S. Chawla, Senior Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioners is that petitioners competed for the post of Section Officer, which were advertised in the year 2016.
2. Learned counsel for the petitioners submits that though initially the petitioners could not get selected against the advertised posts and the candidates who were selected against the advertised posts, were given appointment prior to the petitioners in the pay scale as envisaged under the 6th Pay Commission but all the selected candidates did not join the said posts and the vacant posts were offered to the petitioners and by the said date, the 7th Central Pay Commission had already come into operation and the petitioners were given appointment as per the 7th Central Pay Commission



however, the petitioners are getting lower pay scale as compared to the pay scale admissible to the posts under 6th Punjab Pay Commission.

3. Learned counsel for the petitioners further submits that not only this, the promotions which have been made to the post of Section Officer after the appointment of the petitioners, have been granted the benefit of 6th Punjab Pay Commission though, on the date of their promotion, 7th Central Pay Commission had already been announced and was applicable, hence, two different yardsticks are being applied by the respondents for the grant of pay scale for the same post to the similarly situated employees, hence, respondents are liable to be directed to grant the petitioners also the benefit of pay scale as admissible under the 6th Punjab Pay Commission.

4. Learned counsel further submits that the probation period of the petitioner has been enhanced to three years instead of two years though, the letter of the department of personnel dated 31.08.2017 clearly says that any advertisement issued prior to the enlargement of the probation period from three years to two years, the probation period will remain two years but still the petitioners are being put on probation for a period of three years, which is arbitrary and illegal.

5. Learned counsel for the petitioners submits that the petitioners have already raised the said grievance in the representation dated 26.04.2024 but the same is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

6. Notice of motion.



7. On the asking of the Court, Mr. T.P.S. Chawla, Senior Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and submits that in case, the representation dated 26.04.2024 has been received in the office of the concerned authorities and the same is still pending consideration with the authorities concerned, the same will be decided by the competent authority within a period of eight weeks from the date of the receipt of certified copy of this order by passing an appropriate speaking order. Learned counsel further submits that in case, it is found feasible to accept the claim of the petitioners, the same will be accepted, otherwise due reasons will be mentioned for not accepting the claim of the petitioners in the speaking order to be passed and the said order will be duly conveyed to the petitioners.

8. Learned counsel for the petitioners submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further.

9. Ordered accordingly.

August 29, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No