

CWP-24577-2022, CWP-30167-2022, -1-
CWP-24835-2022, CWP-26943-2022,
CWP-1361-2023, CWP-25015-2023
and CWP-11165-2024

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-24835-2022
Date of decision: 14.05.2024

RAM DIAL SINGH AND OTHERS	PETITIONERS
Vs.	
STATE OF PUNJAB AND ANOTHER	...RESPONDENTS

CWP-24577-2022

SURINDER SINGH AND OTHERS	PETITIONERS
Vs.	
STATE OF PUNJAB AND ANOTHER	...RESPONDENTS

CWP-30167-2022

GURBAX SINGH AND ORS	PETITIONERS
Vs.	
STATE OF PUNJAB AND ANR	...RESPONDENTS

CWP-26943-2022

JASBIR SINGH AND OTHERS	PETITIONERS
Vs.	
STATE OF PUNJAB AND ANOTHER	...RESPONDENTS

CWP-1361-2023

JAGTAR SINGH	PETITIONER
STATE OF PUNJAB AND ANOTHER	...RESPONDENTS

CWP-25015-2023

SUKHDEV SINGH	PETITIONER
V/S	
STATE OF PUNJAB AND ANOTHER	...RESPONDENTS



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CWP-24835-2022, CWP-26943-2022,
CWP-1361-2023, CWP-25015-2023
and CWP-11165-2024

CWP-11165-2024

NISHAN SINGH AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Jagdish Manchanda, Advocate
for the petitioner(s) in CWP-24835-2022, CWP-25015-2023.

Mr. Ravi Sharma, Advocate
for the petitioner (s) in CWP-24577-2022, CWP-26943-2022 &
CWP-1361-2023.

Mr. Ravi Gakhar, Advocate
for the petitioner(s) in CWP-11165-2024.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. By this common order CWP-24577-2022, CWP-30167-2022, CWP-24835-2022, CWP-26943-2022, CWP-1361-2023, CWP-25015-2023 and CWP-11165-2024 are being disposed of since issues involved in all the petitions and prayers sought therein are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP- CWP-24835-2022.

2. The petitioners through the instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondents to grant consequential benefits in view of order dated 04.08.2022 (Annexure P-9) passed by this Court in CWP-9338-2011.



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3. Short reply by way of affidavit of Gaurav Yadav, IPS, Director General of Police, Punjab, Chandigarh is taken on record. Registry is directed to tag the same at an appropriate place.

4. On 04.10.2023, the following order was passed:

*“Learned State counsel has informed that the case of the petitioners is being processed in the same manner as had been processed in the case of **Bhag Singh Vs. State of Punjab and others, CWP-9338-2011, decided on 4.8.2022** and that the needful shall be done within a period of 3 months.*

In view of the aforesaid submission, the matter is adjourned to 15.2.2024.

The State is directed to ensure that the needful is done positively before the next date and in case any amount is due to be paid, the payment in respect of the same be made before the next date of hearing.

A photocopy of this order be placed on the connected cases.”

5. Mr. Aman Dhir, DAG, Punjab pointing out para 14 of the reply, submits that State has decided to notionally revise pay of petitioners, however, they have not been granted arrears. It is not sole case of the petitioners. The State has not granted arrear to anyone who has been promoted to the post of DSP on deemed basis.

6. Para 14 of the reply and para 3 of Annexure R-2/1 are reproduced as below:-

Reply

“14. That it is respectfully submitted that as per the deemed date promotions order dated 21.12.2023 issued by the State Government, the pay of the petitioners, who have been given notional deemed

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date of promotion as DSP, has been notionally fixed vide orders No. 2594-2600/P.F-2 dated 10.04.2024, 2573-79/P.F-2 dated 10.04.2024, 2558-63/P.F-2 dated 10.04.2024, 2587-93/P.F-2 dated 10.04.2024, 2608-14/P.F-2 dated 10.04.2024, 2601-07/P.F-2 dated 10.04.2024, 2566-72/P.F-2 dated 10.04.2024, 2580-86/P.F-2 dated 10.04.2024, 22551-57/P.F-2 dated 10.04.2024, 2544-50/P.F-2 dated 10.04.2024 and 2537-43/P.F-2 dated 10.04.2024, 2530-36/P.F-2 dated 10.04.2024 by the office of respondent No. 2. Copies of the orders are annexed herewith as Annexure R-2/1 to R-2/12.

Annexure R-2/1

“3. As per the orders of Hon'ble High Court and State Govt. order dated 21.12.2023 the pay of Ram Dial Singh No.1031/PR, 1161/PR is hereby fixed on Notional Basis in the rank of DSP as under:-

<i>Date</i>	<i>Pay Scale as Inspector 10300-34800 Grade Pay 4200</i>	<i>Pay scale as DSP 15600-39100 Grade Pay 5400</i>
<i>01-08-07 Annual Increment</i>	<i>17400+4200=21600</i>	<i>--</i>
<i>31.10.07 Deemed date DSP</i>	<i>--</i>	<i>18050+5400=23450</i>
<i>01-10-08 Annual Increment</i>	<i>--</i>	<i>18760+5400=24160</i>
<i>01-10-09 Annual Increment</i>	<i>--</i>	<i>19490+5400=24890</i>

7. Concededly, the petitioners never worked as DSP during their service. They after retirement have been granted rank of DSP from back date.

Meaning thereby, they have been granted promotion on deemed basis. The



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been re-fixed. As they have never performed duty as DSP, this Court does not find it appropriate to direct the State to pay them salary as DSP. There is no patent or manifest error in the decision of the State to notionally calculate their pay and accordingly revise pension.

8. It is made clear that respondent shall supply copy of calculation of deemed salary to all the petitioners within two weeks from today.

9. Disposed of in above terms.

14.05.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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