



CWP-178-2019 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-178-2019 (O&M)
Date of Decision: 23.05.2024

Jang Bahadur Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Pawan Kumar, Sr. Advocate, with
Ms. Vidushi Kumar, Advocate for the petitioners.

Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. The prayer in the present petition is for directing the respondents to grant one step higher pay scale to the petitioners than the clerks and accordingly their pay scale be refixed w.e.f. 01.01.1996 (revised 01.01.2006). Consequently the entire arrear be calculated and paid to them.
2. Learned Senior counsel would submit that some of the petitioners joined as Clerks while others as Steno Typists, between 22.05.1989 to 17.12.1998. The grievance that has led them to this Court is that the scale granted to the lower post of Clerk i.e. Rs.4400-7000/- was higher than the promotion post of Steno Typists, fixed at 3300-6200/-. This issue was brought up in **Jaspal Singh and others vs. State of Punjab and others**¹ which was decided in favour of the petitioners therein by the Division Bench on 18.12.2001, against which SLP



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preferred by the State of Punjab came to be dismissed on 09.05.2002. The relevant portion of **Jaspal Singh** (supra) reads thus:

“In compliance of the order passed by this Court on 10.10.2001, an additional affidavit has been filed by Shri Bhagwant Singh Bhullar, Director, Punjab State Planning Board. From the perusal of the affidavit, it transpires that three circulars have been issued by the respondents: dated 25.07.1994, 26.08.1994 and 24.07.1995, from which it is quite clear that steno-typist would be a promotional post for the post of a Clerk.

That being the position, the petitioners certainly should not be getting lesser pay scale than they were getting on the lower post i.e. Clerk. The matter seems to be covered by a decision of this Court in **Sunder Lal Jain vs. State of Haryana, 1995 (2) RSJ 94**, which we have been informed was confirmed by a Letters Patent Bench of this Court. In view of the aforesaid, we direct the respondents to fix the pay of the petitioners, one step higher to the maximum pay scale drawn by the Clerk. Let this exercise be done within a period of three weeks from today. Afterwards, the arrears from the date, the petitioners were promoted from the post of Clerk, shall be worked out. The arrears, shall be limited to the period of three years and two months preceding the date of filing the writ petition.” (Emphasis supplied)

3. Following it, in **Satnam Singh and others vs. State of Punjab and others**,² the petition was allowed, relevant paras of which reads thus:

“On considering the submissions made by the counsel for the parties, I am of the considered view that the present writ petition deserves to be allowed as the claim of the petitioners are covered in their favour by the ratio of Division Bench judgement in Jaspal Singh’s case (supra) which is further based upon the judgement of this Court in **Sunder Lal Jain Versus State of Haryana, 1995 Volume (2) RSJ 1994**. The admitted facts clearly indicate that a Junior Assistant who is drawing pay scale of Rs.4400-7000/- when promoted to the post of Steno-typist will be placed in the pay scale of Rs.3300-6200/- which clearly indicates that the post of a Junior Assistant is a feeder cadre post although the pay scale of the Clerk is lower than that of a Steno-typist but when on placement as a Junior Assistant he holds a higher pay scale and, admittedly the post of Steno-typist is a promotional post and the promotional post cannot carry a lower pay scale than the feeder cadre post. The reasoning, therefore, assigned by the respondents for not granting the higher pay scale which is based upon the financial burden, which the exchequer has to bear, cannot be ground for



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denying the benefit to the petitioners which they are entitled to as per the ratio of a judgement passed by this Court in Jaspal Singh’s case (supra) which has attained finality.

In view of the above, the present writ petition is allowed. Petitioners shall be entitled to the higher pay scale than the next higher scale of the feeder cadre as per the recommendations of the Pay Commission which has been adopted by the State of Punjab w.e.f. 01.01.1996.

Arrears, shall however be restricted to 38 months prior to the date of filing of the writ petition. The pay scale and the consequential benefits be worked out and paid by the respondents within a period of two months from the date of receipt of certified copy of the order.” (Emphasis supplied)

4. Learned State counsel despite his best efforts has not been able to controvert the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.

5. In view of the aforesaid, the present petition is disposed of in terms of the judgment passed in **Jaspal Singh** (supra), with relief as restricted therein to a period of 38 months prior to the filing of the writ petition, to be released within a period of two months from the date of receipt of certified copy of the order.

MAY 23, 2024

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(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No