



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

(107/12) CWP NO.35814-2019(O&M)
DATE OF DECISION: 18.09.2024

Rattan Lal Kataria and othersPetitioners

VERSUS

State of Punjab and others Respondents

2. **CWP No.2570-2020(O&M)**

Jit Singh and othersPetitioners

VERSUS

State of Punjab and others Respondents

3. **CWP No.5837-2020(O&M)**

Vikas Deep and othersPetitioners

VERSUS

State of Punjab and another Respondents

4. **CWP NO.7068-2020(O&M)**

Nand Singh and othersPetitioners

VERSUS

State of Punjab and others Respondents

5. **CWP No.10903-2020(O&M)**

Mandeep Singh and othersPetitioners

VERSUS

State of Punjab and others Respondents

6. **CWP No. 11076-2020(O&M)**

Baltej Singh and othersPetitioners

VERSUS



State of Punjab and othersRespondents

7. CWP No.12166-2020(O&M)

Narinder Kaur and othersPetitioners

VERSUS

State of Punjab and othersRespondents

8. CWP No.15833-2020(O&M)

Satish Kumar and othersPetitioners

VERSUS

State of Punjab and othersRespondents

9. CWP No.15-2021(O&M)

Des Raj and othersPetitioners

VERSUS

State of Punjab and othersRespondents

10. CWP No. 107-2021(O&M)

Roshan Lal and othersPetitioners

VERSUS

State of Punjab and othersRespondents

11. CWP No.3947-2024(O&M)

Nisha Bhagat and othersPetitioners

VERSUS

State of Punjab and othersRespondents

12. CWP No.3955-2024(O&M)

Jagmail Singh and othersPetitioners

VERSUS

State of Punjab and othersRespondents



CORAM HON'BLE MR.JUSTICE HARSIMRAN SINGH SETHI

Present Mr.Pawan Kumar Goklaney, Advocate,
for the petitioners in CWP No.35814-2019.

Mr.Sunny Singla, Advocate, for the petitioners
in CWP Nos.2570, 10903, 11076, 12166 & 15833 of 2020
CWP Nos. 15 and 107 of 2021 and
CWP Nos. 3947 and 3955 of 2024.

Mr. Gagandeep Sandhu, Advocate,
for the petitioners in CWP-5837-2020.

Mr. Nitesh Singla, Advocate, for the petitioners
in CWP-7068-2020.

Mr.TPS Chawla, Sr.DAG, Punjab.

HARSIMRAN SINGH SETHI J, (ORAL)

1. By this common order, 12 writ petitions, the details of which have been given in the heading, are being decided as all these petitions involve the same question of law on similar facts.

2. In the present petitions, the grievance of the petitioners is that the petitioners are entitled for the grant of increment on the basis of the Instructions issued by the Govt. of Punjab dated 23.07.1957, (Annexure P-2) keeping in view the fact that they had enhanced their qualification than the one required for appointment to the post in question on which they were appointed/working.

3. Learned counsel submits that once, the petitioners have enhanced their qualification, they are entitled for grant of benefit of increment.

4. Upon notice of motion, the respondents have filed the reply wherein, they have stated that the Instructions dated 23.07.1957 were modified on 19.02.1979.

5. Learned counsel for the State submits that any employee, who was in service, as on 19.02.1979 and had enhanced the qualification prior to the said



date, were entitled for the benefit but once the Instructions dated 23.07.1957 were modified on 19.02.1979, any employee appointed after 19.02.1979 or any employee, who might be in service but has improved his/her qualification after 19.02.1979, is not entitled for the grant of benefit.

6. Learned State counsel further submits that the similar question of law came up for consideration before this Court in **CWP-18574-2011** and other connected cases, which were decided on 29.07.2024 titled **Tarsem Singh and others vs. State of Punjab and others**, wherein by placing reliance upon the judgment of the Division Bench in **LPA No.2076 of 2014** titled **Prem Singh and others v. State of Punjab**, decided on **26.09.2016**. The said writ petitions have been disposed of with the observation that the benefit under the Instructions dated 23.07.1957 is only admissible to employee who was in service on 19.02.1979 and had improved the qualification prior to the said date and as the petitioners do not fulfil the said criteria, the present petitions are liable to be dismissed.

7. Learned counsel for the petitioners has not been able to controvert the said argument that the question of law raised in the present petition is already decided while passing order in **Tarsem Singh's case (supra)**.

8. Learned counsel for the petitioners submits that prior to the judgment in **Tarsem Singh's case (supra)**, certain Execution Petitions were filed claiming the said benefit in the year 2012 and therefore, once the benefit has been given to the employees, who improved their qualification after 19.02.1979 or were appointed after 19.02.1979, the benefit should be extended to the petitioners as well.



9. Learned counsel for the respondents submits that the order passed in the Execution Petitions has already been stayed by the Hon'ble Supreme Court of India in SLP No.37753 of 2019, which fact has not been rebutted by the learned counsel for the petitioners.

10. Further, once the Division Bench of this Court in **Prem Singh's case (supra)**, has already passed a comprehensive order, which has already been relied upon by this Court while passing the order in **Tarsem Singh's case (supra)**, there is no justification not to decide the present petitions which also involve the same question of law as passed in **Tarsem Singh's case (Supra)**, in same terms especially, when no differentiating fact in the present case as well as in case of **Tarsem Singh's case (supra)** has been brought to the notice of this Court by the learned counsel appearing for the petitioners.

11. Learned counsel for the petitioners further submits that the benefit which is being claimed has been allowed in favour of one Om Singh, keeping in view the order Annexure P-18 dated 18.04.2019.

12. It may be noticed that the interpretation to the order passed in Om Singh's case, is incorrect. In the said order, also, it has been mentioned that in case the petitioner has not attained the higher qualification upto 19.02.1979 or he was not in service on the said date, the benefit cannot be given. The interpretation being given to the order by the petitioner is not correct and the same has also been disputed by the learned State counsel.

13. Keeping in view the above stated facts and in terms of the reasons given in **Tarsem Singh's case (supra)**, all the present petitions are dismissed.

14. Pending application, if any, shall stand disposed of along with this judgment.



15. A photocopy of the order be placed on the files of aforementioned connected petitions.

18.09.2024
mamta

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No