



CWP-31238-2024

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

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Date of Decision :20.11.2024

Imninder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Munish Bhardwaj, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner submits that keeping in view the rules governing the service for the post of Clerk, the petitioner is entitled for the pay scale of Rs.10300-34800+3200 grade pay, which benefit is not being given to the petitioner though, the other Clerks, who have been appointed in the same selection process are getting the said benefit, which action on the part of the respondents is totally arbitrary and illegal.

Learned counsel for the petitioner further submits that the benefit is being denied to the petitioner on the basis of the instructions dated 17.07.2020 (Annexure P/10) issued by the respondent-State, which instructions have already been considered by this Court while passing order in **CWP No.15896-2023 titled as "Saurabh Sharma and others vs. State of Punjab and another, decided on 13.09.2024** wherein, it has been held that

the instructions dated 17.07.2020 will not supersede the rules governing the



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service and the salary is to be paid as per the rules governing the service hence, the impugned order dated 12.09.2024 (Annexure P/17) rejecting the claim of the petitioner by ignoring the rules governing the service is liable to the set aside.

Notice of motion.

Mr. Swapan Shorey, DAG, Punjab, who is present in the Court, accepts notice on behalf of the respondents.

Learned counsel for the respondents submits that the impugned order dated 12.09.2024 (Annexure P/17) may kindly be treated as withdrawn with liberty to the respondents to pass a fresh speaking order by taking into consideration the judgment passed by this Court in **Saurabh Sharma's case (supra)**, which order will be passed within a period of 08 weeks from the date of receipt of copy of this order.

Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present writ petition may kindly be disposed of having been not pressed any further, at this stage.

Ordered accordingly.

November 20, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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