

2025:PHHC:044848



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

259

CWP-22338-2021

Date of decision: 02.04.2025

Amrit Pal Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Amarpeet Singh Bains, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for directing the respondents to refix the pay/pension of the petitioner.
2. Reference in the index of the petition was made to pendency of CWP Nos.4095, 6234 and 25825 of 2015, which all came to be dismissed by this Court on 03.07.2023, against which no LPA has been filed, relevant paras whereof read thus:

“10. It is the stand of the respondents- State that the Punjab Roadways Workshop Staff was divided into five different categories as skilled and semi-skilled category for example Helper, Junior, Technician Grade II, Technician Grade I. It has further been submitted that the petitioners were accordingly designated in the aforesaid categories from time to time. The petitioners opted for the benefit of Proficiency Step Up on the completion of the 8 years in service and 16 years in service, which was granted to them. Thereafter, they opted for the conversion of the aforesaid benefit into 4, 9 and 14 years service under the new scheme with effect from 01.11.2006 which was also allowed. In these circumstances, the pay of the petitioners

has not only been fixed but payments were also released. Hence, it is contended that the petitioners are not entitled to the additional increments in terms of first part of Rule 8 of the 1988 Rules.

11. Learned counsel representing the petitioners also rely upon the judgment passed in **Baldev Singh and others vs. State of Punjab CWP-2604-2003** decided on 28.07.2005. The Division Bench while allowing the writ petition quashed the impugned order passed on 24.01.2003 and directed the respondents that no recovery shall be made from the pay of the petitioners and their pay shall not be reduced. The judgment passed with respect to the employees of the Punjab Tubewell Corporation will not be applicable to the petitioners particularly in view of notification dated 03.05.1991. It may be noted here that although in the prayer clause challenge to the notification has not been reflected, however, on reading of para 8 of CWP-4095-2015, it is evident that the notification dated 03.05.1991 is claimed to be patently illegal, arbitrary, malafide and unconstitutional.

12. This Court has considered the submissions while analyzing the arguments of the learned counsels representing the parties. Once vide notification dated 03.05.1991 the previous notification issued on 20.01.1989 was amended with effect from 01.01.1996 for the employees of the transport Department and Punjab Roadways, the validity thereof is required to be examined. The petitioners have to establish as to how such notification is either in violation of the statutory service rules or there is failure on the part of the respondents to implement the same. Learned counsel representing the petitioners failed to draw the attention of the Court to both the eventualities.

13. As already noticed, the judgment passed in **Ram Murti's case** is not applicable as it only relates to the revision of pay scale with effect from 01.01.1986 instead of the year 1989.

14. Keeping in view the aforesaid facts and discussion, finding no merit, the writ petitions are dismissed. Moreover, the writ petitions were filed in the year 2015 whereas the petitioners seek relief w.e.f 01.01.1986. Apparently, the writ petitions suffer from delay and laches. Learned counsel representing the petitioners failed to explain the reasons for such colossal delay of nearly three decades. Hence, additionally the writ petitions are liable to be dismissed on the ground of delay and laches as the petitioners have slept over their rights for such a long period.

15. All the pending miscellaneous applications, if any, are also disposed of.”

3. In view of the above, the present petition is dismissed.

02.04.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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