



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

851

CWP-8620-2005

Date of decision: 02.05.2025

Siri Chand and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Alka Chatrath, Advocate
for the petitioner.

Ms. Shruti, AAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for quashing of order dated 08.07.2004, Annexure P-6, whereby the respondents had erroneously rejected the prayer of the petitioners to grant them the pay scale of Rs.5000-8100/-.
2. Learned counsel refers to the stand taken by the respondents in para 7 of the written statement that LPA No.162 of 1999 was applicable to the case of the petitioners. In terms of the said appeal, learned counsel states that the same having been taken up in Civil Appeal No.454 of 2006, which was allowed on 14.12.210, Annexure P-13, remanded to be decided by the Division Bench, whereafter it was decided on 20.03.2012, Annexure P-12, the relevant paras of the said civil appeal read thus:-

“The appellant challenged only that portion of the judgment whereunder the learned Judge directed implementation of the directions issued subject to the decision of the L.P.A. No. 162 of 1999. The case of the appellants is that the subject matter that arises for consideration in L.P.A. No.162 of 1999 has nothing to do with the claim made by them inasmuch as they were claiming parity only with the Surveyors working in the same Department while the subject matter in the L.P.A. No.162 of 1999 is where the appellants therein were claiming parity with the Surveyors in



the Industries Department of Government of Punjab. It so happened the L.P.A. Nos. 862 and 1467 of 2000 filed by the appellants herein were tagged for their hearing along with L.P.A. Nos. 1393 and 1394 of 2000 filed by the State as also L.P.A. No.906 of 1993 and connected matters preferred by the State in the matters where directions have been issued to treat the Surveyors in the Department at par with the Surveyors in the Industries Department. By the impugned judgment, all the L.P.As. were disposed of by a common order without adverting to the specific claim of the appellants herein claiming parity with the Surveyors of their own Department. The Division Bench did not consider the simple question as to whether the appellants herein are entitled for the benefit of the Order dated 21st September, 1993 whereunder senior pay scale of Rs.1,800-Rs.3,200 was granted to the Surveyors of the same Department on completion of twelve years of regular service.

In our considered opinion, the claim of the appellants ought to have been decided separately and limited only to the question as to whether they are entitled to claim parity in their own Department vide Order dated 21st September, 1993. It is precisely for that reason this Court, while directing limited notice, required the respondents to show cause as to why the matter should not be remanded to the High Court for deciding the appeals relating to the petitioners writ petition on merits.

For the aforesaid reasons, the judgment rendered in L.P.A. Nos. 862, 1393, 1394 and 1467 of 2000 are accordingly, set aside. The matters are remanded for fresh consideration by the Division Bench on their own merits.

We reiterate that the only question that is required to be decided by the Division Bench is that as to whether the appellants are entitled for the benefit of the order dated 21st September, 1993 and claim parity with the Surveyors of the same Department.”

3. Relevant paras of the aforesaid LPA read thus:-

“In so far as LPA Nos. 862 and 1467 of 2000 filed by the writ petitioners are concerned, it will suffice to say that the proceedings in LPA no. 162 of 1999 have no reasonable connection with the present claim of the writ petitioners inasmuch as in the said proceedings i.e LPA no.162 of 1999 the Court was required to consider the claim of the Agricultural Sub Inspectors of the Soil Conservation Department to the scale of pay of the Surveyors in the Industries Department. The order of the learned Single Judge making the decision rendered by him subject to the decision of LPA No.162 of 1999, which is the subject matter of challenge in LPA Nos. 862 and 1467 of 2000, is therefore not tenable. We, accordingly, allow the aforesaid two appeals filed by the writ petitioners by interfering with that part of the order of the learned Single Judge.

Consequently, and in view of the foregoing discussions, the appeals filed by the State i.e (LPA Nos. 1393 and 1394 of 2000)



are dismissed whereas the appeals filed by the writ petitioners i.e. LPA Nos. 862 and 1467 of 2000 are allowed.”

4. The aforesaid facts having been brought out, during the course of hearing, learned State counsel, on instructions, states that the respondents would not be averse to have a relook at the matter and decided afresh, taking note of the aforesaid judgments, within a period of 6 months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner.

5. The aforesaid satisfies the learned counsel for the petitioner(s).

6. The matter stands disposed of accordingly and if the petitioners are found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to their interest, the same may be passed after granting opportunity of hearing to them and shall contain reasons, whereupon they shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)
JUDGE

02.05.2025
Hemant

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