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

CWP-24055-2016 (O&M)

Date of decision: 26.11.2025

Jarnail Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Jigyasa Tanwar, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. Sanjeev Soni, Advocate and
Ms. Nishtha Grover, Advocate
for respondent No.3.

Mr. Parambir Singh (Sunny), Advocate and
Ms. Simran Tiwana, Advocate
for respondent No.4.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to grant the benefits of past service rendered by the petitioner for a period of 08 years and 09 months as

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Lecturer in Govt. Polytechnic and also to grant benefits of pay fixation as per letter dated 27.02.2006 (Annexure P-7) w.e.f. 27.07.1998 along with arrears, consequential benefits and interest @ 18% per annum till the date of actual payment.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was appointed as Lecturer (Civil Engineering) in Government Polytechnic, Batala on 27.10.1989 and on 23.12.1996, he applied for the post of Junior Engineer in the Punjab Water Supply and Sewerage Board (for short 'PWSSB') through proper channel, as discernible from Annexures P-1 & P-2. Thereafter, on 21.03.1998, the petitioner was selected and joined as Junior Engineer in PWSSB and he was accordingly relieved by the Principal, Government Polytechnic, Batala pursuant to the letter dated 22.07.1998 (Annexure P-3). Learned counsel for the petitioner refers to office order dated 23.02.2006 (Annexure P-7) issued by respondent No.3-Board and submits that the petitioner was granted the benefit of past service rendered as Lecturer in Government Polytechnic, Batala. However, he was only given notional pay and the arrears towards benefits of past service were not released.

3. It is further submitted that the petitioner was transferred on deputation basis to Municipal Corporation, Ludhiana and he was absorbed there as Junior Engineer and thereafter, promoted to the post of Assistant Corporation Engineer and consequently, retired on 28.02.2017 during



pendency of the present petition. Further, the petitioner also submitted a detailed representation on 27.07.2016 (Annexure P-8) to respondents No.1 & 3, claiming the benefit of his previous service and pay protection, but the same has not been decided till date.

4. Learned counsel for the petitioner refers to the instructions issued by the Government of Punjab, Department of Finance vide circular letter dated 15.11.2000 (Annexure R-3/2), which is attached with the reply filed on behalf of respondent No.3, wherein the benefit of pay protection to government employees appointed from one post to another was granted. The said instructions were issued in terms of the judgment dated 21.07.1998 rendered by this Court in **CWP-6923-1998** titled as **Rajesh Kumar Vs. State of Punjab and others**, wherein it was observed as under: -

“It can be said that the previous service rendered in another department, on being transferred on the persons own volition may be washed out for the purpose of seniority but it cannot be said so for the purpose of experience.”

5. Further reliance has also been placed on a judgment of the Hon’ble Apex Court passed in **C.A. No.3039 of 1998** titled as **Dwijan Chandra Sarkar and another Vs. Union of India, (1999 SLR Section 39)**.

6. Admittedly, the petitioner was drawing a higher pay scale while serving with respondent No.3-PWSSB and therefore, he is entitled to pay protection as per the instructions dated 15.11.2000 (Annexure R-3/2).



7. *Per contra*, learned counsel for respondents No.3 & 4 are not in a position to controvert the factual position as well as issuance of instructions dated 15.11.2000 (Annexure R-3/2).

8. Learned State counsel submits that the controversy involved in the present case can be referred to the Empowered Committee constituted by the Government of Punjab under the litigation policy.

9. I have heard learned counsel counsel for the parties and perused the record of the case with their able assistance.

10. This Court, vide order dated 20.03.2025 passed in **CWP-7727-2025** titled ***Paramjit Kaur Vs. State of Punjab and others***, issued certain directions and in compliance thereof, the Government of Punjab has constituted an Empowered Committee vide letter dated 16.04.2025. The said Committee was established under the Punjab Dispute Resolution & Litigation Policy, 2020, which aims to encourage the swift resolution of disputes, reduce future litigation, and address the considerable backlog faced by the Courts.

11. In view of the above, present petition is disposed of in the following terms:

- (i) The Empowered Committee constituted under the Punjab Litigation Policy is hereby directed to treat the present writ petition as a comprehensive representation and to consider and adjudicate upon the issue raised herein. In the alternative, the

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petitioner shall be at liberty to submit a detailed representation setting out his claim within a period of two weeks from the date of receipt of a certified copy of this order.

- (ii) The Committee shall pass a reasoned and speaking order, after granting an opportunity of personal hearing to the petitioner, within a period of four months from the date of receipt of certified copy of this order, or from the date of receipt of the representation of the petitioner, as the case may be.

12. Further, the decision taken by the Committee shall be conveyed to the petitioner.

13. Needless to say, if the petitioner is found entitled to the relief sought, the same shall be granted to him forthwith.

14. The pending miscellaneous application(s), if any, shall also be disposed of.

November 26, 2025

Poonam Sharma/vishnu

**[HARPREET SINGH BRAR]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No