



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

110

CWP-22397-2019 (O&M)
Date of decision: 21.04.2025

Harpal Singh and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. N.S. Gill and Mr. Munish Gupta, Advocates
for the petitioners.

Ms. Shruti, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)**CM-5196-CWP-2025**

With the consent of the learned counsel for the parties, the present petition is taken on board today itself.

Disposed of.

Main Case

1. Prayer made in the present petition is for directing the respondents to revise the pensionary/retiral benefits of the petitioners by incorporating the relief of revised pay scale w.e.f. 01.01.1986 instead of 1991.

2. Learned counsel for the petitioners had solely placed reliance on the judgment passed in **Daljit Singh and others vs. State of Punjab and others**, CWP-9175-2000, decided on 26.05.2017, against which LPA was also dismissed on 27.02.2019, wherein similar issue had been decided, however, this Court vide order dated 07.03.2024, on submission made by learned State counsel that SLP-14572-2019 against it was pending adjudication before the Hon'ble Supreme Court, ordered that the case be



listed thereafter, which now has been dismissed on 17.01.2025, Annexure A-1.

3. The relevant paras of **Daljit Singh** (supra) read thus:-

“6. There is no dispute that Inspectors working with the Punjab Roadways were initially in the higher pay scale as of Inspectors working in the Food and Supplies Department. This anomaly continued on subsequent pay revisions as recommended by the Punjab Pay Commission. Eventually, the matter was agitated and a decision was taken to bring the pay scale of Inspectors working with the Punjab Roadways on par with Inspectors working in the Food and Supplies Department, but while doing so the revision was made prospective in nature, that is to be made applicable from 07.01.1994 with a further stipulation that the same would be made available only to those Inspectors, who had served 15 years with the Department. The grievance of the petitioners herein is that there is no justification for making the pay revision applicable from 07.01.1994 when similarly situated Inspectors working in different departments have been given the benefit of revision in pay w.e.f. 01.01.1986. There is no reasonable explanation coming forth for denial of the same, especially in view of the fact that Inspectors of different Departments have been given the benefit of revision in pay scale w.e.f. 01.01.1986. A reading of the impugned order Annexure P-9 by which the representation of the petitioners stood rejected, does not reveal any consideration as to why the petitioners would not be given the benefit of revision w.e.f. 01.01.1986.

7. It is true, that it is the prerogative of the State Government to fix the pay scale, but it is equally true that the action of the respondents should not be arbitrary or whimsical. In case, the State would like to deny grant of a particular relief, there must be cogent and valid reasons for doing so. The action of the State is always subject to challenge in case such action is discriminatory and violative of Article 14 and 16 of the Constitution of India. The doctrine of classification is recognised which empowers the State Government to classify similarly situated persons and things into different groups for the purpose of subjecting them to different treatment. The burden of proof of the necessity to create different categories within similarly situated persons, would lie upon the authority doing so. However, such classification has to be reasonable or have a rational nexus with the object sought to be achieved otherwise, it will suffer from the vice of discrimination.

8. In the case in hand the petitioners who were admittedly in a higher pay scale, were granted the relief of being brought on par with Inspectors of various departments but with a condition that the same would be prospective. As noticed above there is no rational in doing so nor any explanation forthcoming from the pleadings. The respondents have failed to prove that fixation of different dates for grant of revised pay has any rationality behind



it, other than it being wholly discriminatory in nature. Moreover, there also seems to be no rationale in fixing a minimum length of service of 15 years as an Inspector to get the benefit of revised pay when no such condition seems to have been imposed on Inspectors working in different departments.

9. It would also be pertinent to note that a writ petition was filed in this court titled as Swaran Singh and others Versus State of Punjab and others CWP No. 1283 of 1996 decided on 7.1.1999, wherein a similar issue arose for consideration. The petitioners impugned the notification to the extent that it revised the pay scale of the petitioners w.e.f. 01.01.1994 instead of 01.01.1986. The Division Bench allowed the writ petition on the ground that there was no reasonable explanation forthcoming as to why the petitioners were not being given the benefit of revised pay scale w.e.f. 01.01.1986 as had been given to the counterparts of the petitioners working in different departments.

10. Therefore in view of the above the writ petition is allowed and the date of 07.01.1994 specified in the order with the condition of 15 years in service is hereby set aside and the respondents are directed to amend the said date so as to make the revision of pay scale effective from 01.01.1986. The petitioners would be entitled to all consequential benefits thereafter.”

4. Learned counsel for the petitioners prays for disposal of the petition in terms of the aforesaid judgment, which learned State counsel despite best efforts, was unable to resist by distinguishing the same or citing any contrary law.

5. The present petition is disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

21.04.2025
Hemant

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