



CWP-25444-2023 & CWP-27888-2023 1

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

272

CWP-25444-2023(O&M)
Date of decision:20.02.2025

Sher Singh and Ors.

....Petitioners

Versus

State of Punjab and Ors.

...Respondents

CWP-27888-2023(O&M)

Prem Singh and Ors.

....Petitioners

Versus

State of Punjab and Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.K. Arya, Advocate for the petitioners

Ms. Shruti, AAG Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petitions is for directing the respondents to rectify the anomaly in the pay scale of the petitioners viz-a-viz the Clerks/Restorers working in the establishment of the Civil Secretariat, Punjab, Chandigarh and Punjab and Haryana High Court as also pay the arrears of revised pay including conveyance allowance alongwith special pay w.e.f. 01.12.2011.

2. Learned counsel submits that the petitioners are having been working as restorers and were granted the same scale as that of Clerks

**CWP-25444-2023 & CWP-27888-2023 2**

however that of the later category have been revised but not of the petitioners. In this regard, reliance is placed on issues in the case of **Kanta Kumari and others Vs. State of Punjab and Others, CWP-4456-2016**, decided on 24.05.2018 (Annexure P-9) based on which the case of **Anuj Kumar Sharma and another vs. State of Punjab, CWP-18466-2014** preferred by the Restorers working in the Punjab was allowed, relying whereon CWP-7078-2021 and CWP-6000-2022 were decided on 02.05.2024 and likewise was CWP-11167-2024 on 14.05.2024 titled as **Pardeep Thakur Vs. State of Punjab and ors.**, which have all since been implemented vide order dated 20.09.2024.

3. Learned counsel states that claim of the petitioners is only qua 5th pay commission not regarding the 6th, to which an objection has been raised in the written statement. Relevant paras of Anuj Kumar Sharma (supra) read thus:

“8. In the case in hand, learned counsel for the respondents is not in a position to dispute that till 15.12.2011 the pay scale of Constables, Clerks, Photostat Machine Operators and Telephone Attendants was the same, that is in the scale of `5910–20200. In Gurbir Singh’s case (supra), the Restorers of this Court filed a writ petition seeking restoration of equation in pay scale between Restorers and Clerks, which writ petition came to be allowed by issuing a direction to restore the status quo ante as on 01.01.2006 where the Restorers and Clerks were in the same pay band and grade pay. These orders came to be passed by the Single Bench of this Court by taking note that the Hon’ble Committee of this court had recommended the removal of the anomaly which stood approved by the Hon’ble the Chief Justice in exercise of powers vested in him under Article 229 of the Constitution of India. Therefore, by virtue of judgment rendered in Gurbirs Singh's case Restorers have been held to be entitled to a pay band of `10300-34800 with grade pay of `3200/-. The Telephone Attendants being a promotional post would also in all probability be entitled to similar scale if not an enhanced one.



9. The Finance Department by Instructions dated 23.05.2012 has issued a direction that 'only those proposals for revision of pay scale of employees is to be submitted to finance Department in which the anomaly has arisen as a consequence of re-revision of pay scale of a post on the recommendations of the Cabinet Sub-Committee whereby the pay scale of promotional post has become lower than the pay scale of the feeder post'. The instant case is a fit case to be placed before the Finance Department or before the Pay Anomaly Committee for consideration of removal of the pay anomaly that has been created. The petitioners herein are Telephone Attendants who were in the same pay scale as Clerks, Constables, Photostat Machine Operators etc. A post of a Clerk can be filled up by promotion from Restorers who has the necessary qualification and at serial No. 19 the only source of recruitment to the post of Telephones Attendant is by promotion from the post of Restorers. Therefore, a person being promoted to a higher post cannot under any circumstances be in a lower pay scale.

10. In view of the above situation, where an anomaly has arisen in the pay scale of the petitioners being higher in post than the Restorers, while getting a lower pay scale, it is directed that this matter be placed before the Finance Department in view of their own Instructions dated 23.05.2012 for consideration of removal of pay anomaly of the petitioners herein while keeping the judgment rendered in Gurbir Singh's case (supra) in mind where Restorers pay scale has been brought on par with Clerks.

11. Let this matter be considered by the Finance Department/or the Pay Anomaly Committee in its true perspective within a period of four months on receipt of a certified copy of this order. Needless to say in case the claim of the petitioners is being rejected, a speaking order be passed in this regard, which the petitioners would be at liberty to challenge. In case claim of the petitioners has merit, the monetary benefits including difference of arrears of pay accruing there from be calculated and paid to the petitioners within 2 months thereafter."

4. Learned State counsel despite best efforts has been unable to controvert regards the factual position and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law.

5. The petitions are disposed of in terms of **Anuj Kumar Sharma** (supra).

CWP-25444-2023 & CWP-27888-2023 4

6. A copy of this order be also placed on the file of the connected case.

(AMAN CHAUDHARY)
JUDGE

20.02.2025
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No