



CWP-27000-2023

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

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CWP-27000-2023 (O & M)
Date of decision: 23.01.2025

Pankaj Kumar Gupta and others

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.K.Arora, Advocate and
Mr. Jugam Arora, Advocate,
for the petitioners.

Mr. Arun Gupta, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the action of the respondents in not releasing the Higher Education/PG allowance @ 15% of their pay to the degree holders and @ 12% to the diploma holders in the revised pay scales on the recommendations of 6th Punjab Pay Commission.

2. Learned counsel submits that the aspect of instructions dated 10.09.2012 (Annexure P-2) and letter dated 01.10.2021 (Annexure P-4) have not been taken into consideration while issuing the impugned letter dated 06.07.2023 (Annexure P-10). The duties and responsibilities performed by the petitioners are same as that of those who acquired the



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qualification of post graduation after 01.01.2016 and are also juniors to them and getting higher pay and there cannot be such a classification amongst equals. He relies on the judgments in **Santosh Kumari vs. State of Haryana** 1997(1) RSJ 419, **Raj Pal and others vs. State of Haryana** 1997(2) RSJ 124, **Ram Kishan Shastri vs. State of Haryana and others**, 2003(1) PLR 760 and **Chandrakant Jagannath Varadkar and others vs. Municipal Corporation of Gr. Bombay** 2005(15) SCT 575.

3. 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 decide afresh within a period of 06 months by passing a speaking order, taking note of the aforesaid submissions and judgments, which satisfies learned counsel for the petitioners.

4. 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 reason, whereupon the petitioner shall be free to seek legal redress thereupon.

23.01.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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