



COCP No.1253 of 2026

1

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

109

COCP No.1253 of 2026

Date of decision: April 7th, 2026

Vinay Kumar

.....Petitioner

Versus

Er. J.S. Anand and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Pankaj Garg, Advocate
for the petitioner.

Mr. Sandeep Singh, Assistant Advocate General, Punjab.

VIKAS BAHL, J. (ORAL)

1. Learned counsel for the respondents-State has submitted that in pursuance of the directions given by the coordinate Bench of this Court on 21.01.2025, a detailed speaking order dated 30.03.2026 has been passed.

The relevant portion of the said order is reproduced hereinbelow:

“To clarify the position regarding whether the employee had lien on the previous post or not, a reference was made to the Learned District and Sessions Judge, Ludhiana. In response, vide letter No. 5807/G dated 11.04.2025, the Learned District and Sessions Judge, Ludhiana informed the Executive Engineer, Construction Division, B&R Branch, Nabha, regarding the pay being drawn by the employee during probation and the status of lien on the post held in that office, as under:

"Besides, he be further informed that according to Hon'ble High Court Letter No.1238 SPL.E. II/VII.B4(Pb) dated 06-12-2023, he is not entitled full salary with allowances during probation period.



It is also informed that services of Sh. Vinay Kumar, former Clerk could not be confirmed during the period he remained posted in this Session Division due to non-occurrence of permanent post which (confirmation) is a pre-requisite condition for acquiring lien on a post as per Rule 8(3) of the Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997."

As mentioned above, it is clear that the employee, while working in the office of the Learned District and Sessions Judge, Ludhiana, was serving on a purely temporary basis and was not drawing full pay and allowances, as he did not have lien on the said post.

Therefore, as per the above-mentioned instructions of the Finance Department, the employee is not entitled to any benefit of Initial Pay Fixation. Rather, upon his fresh appointment in the Public Works Department, his pay was required to be fixed strictly in accordance with the Finance Department instructions vide letter No. 07/204/2012-4FP1/66 dated 15.01.2015.

Accordingly, in view of the above position, approval is hereby granted for counting of past service rendered by Shri Vinay Kumar, Clerk, in the District and Sessions Court, Ludhiana, in accordance with the rules/instructions issued by the Punjab Government from time to time.

Sd/-

*Superintending Engineer,
Construction Circle, No.2 PWD
B&R Patiala*

Endst No.2063

Date:- 30-03-2026"



COC P No.1253 of 2026

3

the order is in favour of the petitioner but the petitioner is not satisfied with some part of the order and thus, the present contempt petition be disposed of but liberty be granted to the petitioner to challenge the order to the extent he is dissatisfied with.

3. Disposed of with aforesaid liberty.

April 7th, 2026
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No