

CWP-25320-2012(O&M)

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

(204)

CWP-25320-2012(O&M)
Date of Decision :12.02.2026

Harnek Singh

.. Petitioner

Versus

State of Punjab & ors.

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

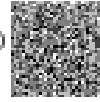
Present: Mr. D.R. Sharma, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

Mr. Parminder Singh, Advocate
for respondents No.2 to 4.

HARPREET SINGH BRAR, J. (ORAL)

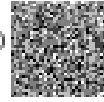
1. The present petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of mandamus direction the respondents to equate/step-up the pay of the petitioner at par with the pay which his junior is drawing and consequential benefits arising therefrom and implement the order dated 17.09.2009 whereby the deemed date of promotion and pay as AE-Civil has been given to petitioner w.e.f. 09.12.2006 at par with his junior but respondents have not done the notional pay fixation of petitioner because pay of senior (petitioner) has not been equated/stepped up with his junior. The basic pay of the petitioner was fixed as Rs.26530/- whereas it should have been

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made/fixed equal to the basic pay of Er. Baldev Singh i.e. as Rs.30510/- on 09.12.2006, as he is junior to petitioner in the same cadre (i.e. gazetted rank).

3. Learned counsel for the petitioner inter alia contends that the petitioner is seeking step up of his pay at par with his junior and further seeking implementation of the order dated 17.09.2009 (Annexure P-5, whereby the deemed date of promotion and pay as Assistant Engineer Civil has been given to the petitioner w.e.f. 09.12.2006 at par with his junior but respondents have not done the notional pay fixation of the petitioner and the pay of the petitioner has not been equated with his junior. The basic pay of the petitioner was fixed as Rs.26530/- whereas the basic pay of his junior Er. Baldev Singh was fixed as Rs.30510/- on 09.12.2006. It is settled law that pay parity has to be maintained.

4. *Per contra*, learned counsel for the respondent-Corporation submits that the petitioner and Er. Baldev Singh have joined their services in separate cadres. Their induction post was also separate. The induction post of the petitioner was Junior Draftsman and Er. Baldev Singh was Junior Engineer-II. The petitioner got promoted to the post of Assistant Engineer vide office order dated 13.02.2009 and was given deemed date of promotion w.e.f. 09.12.2006. Er. Baldev Singh was drawing more salary than the petitioner even before the petitioner's promotion to the post of Assistant Engineer. As the petitioner and Er. Baldev Singh belong to different cadre,



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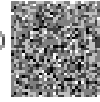
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their pay scales were also different and their promotion avenues were also different before the promotion to the post of Assistant Engineer. He further submits that the petitioner was working in the lower scale than Er. Baldev Singh. In such circumstances, the pay of the petitioner cannot be equated with the pay of Er. Baldev Singh.

4. Learned counsel for the petitioner in his replication has controverted the stand taken by the respondent-Corporation in their written statement and submits that a legal advice (Annexure P-16) clearly indicates that at the time of promotion, the petitioner was drawing basic pay scale of Rs.7000-11750 and was also higher in rank whereas Er. Baldev Singh was drawing the less pay scale of Rs.6300-10700 as JE-II (lower in rank due to scale of pay) and the legal opinion has recommended that the claim of the petitioner requires approval to remove his grievance keeping in view the factual position.

5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that disputed questions of facts are involved in the present case. As such, the issue involved in the present petition is required to be decided after examining the relevant record and requires adjudication of the factual dispute.

6. In ***Paramjit Kaur Vs. State of Punjab and others, CWP-7727-2025, decided on 20.03.2025***, this Court issued certain directions and in compliance thereof, the Government of Punjab has constituted an



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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.

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

- i. *The Empowered Committee constituted under the Punjab Litigation Policy is directed to treat the present writ petition as a comprehensive representation and consider and adjudicate upon the issue raised herein. In the alternative, the petitioner shall be at liberty to submit a detailed representation setting out the 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 a certified copy of this order or from the date of receipt of the representation of the petitioner, as the case may be. Furthermore, the decision taken thereof shall be conveyed to the petitioner. Needless to say, if the petitioner is found entitled to the relief sought, the same shall be granted to him forthwith.*

7. Pending miscellaneous application(s), if any, also stands disposed of.

12.02.2026
monika

(HARPREET SINGH BRAR)
JUDGE

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