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**A consultancy firm to provide help for the problems of govt. employees & retired pensioners  
PERFORMA (ENGLISH CAPITAL LETTERS) Writ Regarding Junior Assistant Grade Pay  
5000-8100 From 01-01-1996**

Name	
Father's Name	
Designation	
School / Office Name	
School/Office Email Address (If Any)	
Date Of Birth	
Aadhar Card No.	
Date Of Appointment	
Date Of Regular	
Date Of Retirement	
Date Of Promotion As Junior Assistant	
Mobile Number	
Whats App Number	
Email Address	
Residence Address	
Signature	

**Important Points:-**

1. Send one copy of performa by whatsapp and one by post.
2. Send one copy of Power of Attorney by whatsapp and one by post.
3. Send one copy of Aadhar Card by whatsapp and one by post.

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<b>State Bank of India Budhlada</b>
<b>Distt. Mansa(Punjab)</b>
<b>Current A/c No.39453963229</b>
<b>In Favour of: Krishana Consultancy</b>
<b>IFSC Code: SBIN0050050</b>
<b>Whatsapp No - 98157-13297</b>

# POWER OF ATTORNEY

In the Court of .....

..... [ Plaintiff/Appeallant  
Complainant  
Petitioner

**VERSUS**

..... [ Defendant  
Respondent,  
Accused

**KNOW ALL** to whom these present shall come that I/We undersigned appoint

for the ..... in the above mentioned case to do all the following acts deeds and things or any of them that is to say :-

1. To act appear and plead in the above mentioned case in the court or any other Court in which the same may be tried or heard in the execution or in any stage of its progress until its final decision.
2. Present pleading appeals letter patent appeal cross objection or petitions for execution review, revisions withdrawal compromise or other petitions or affidavit or other documents as shall deemed necessary or advisable for the prosecution of the said case in all its stage.
3. To file and take back documents and to file application for restoration there of in case it is dismissed in default.
4. To withdraw or compromise the said case or submit for arbitration any difference or disputes that shall arise touching or in any manner relating to the said case.
5. To deposit draw any receive money and grant receipt there of and to do all other acts and things which may be necessary to be done for the progress and in the case of prosecutions of said case.
6. To employee and other legal practitioner authorising him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

And I/We hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of said for hearing case in consequence from the court when the said case is called up or for any negligence of the said Advocate or his substitute.

And I/We hereby agree that in the event of whole or any part of fee agreed by me to be paid to the Advocate, remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid if any costs are allowed for an adjournment the advocate would be entitled to the same.

**IN WITNESS WHERE OF** I/We agree to set my/our hands to the represent the contents of which have been explained to understand by me/us this the .....

.....day..... 20.....

(Signature or Thumb Impression of client)

Accepted :

**Punjab-Haryana High Court**

**Mulakh Raj And Others vs State Of Punjab And Others on 28 May, 2015**

Civil Writ Petition No.11355 of 2015

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

147

Civil writ Petition No.11355 of 2015

Date of Decision:28.05.2015

Mulakh Raj and others

....petitioners

Versus

State of Punjab and others

.....respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Sushil Saini, Advocate  
for the petitioners

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ARUN PALLI, J.(ORAL):-

A writ in the nature of mandamus is prayed for, so as to direct the respondents to protect the pay of the petitioners as on 01.01.1996 along with all consequential reliefs, since other identically placed Junior Assistants have already been extended the similar benefit, in terms of decision rendered by this Court in CWP No.22422 of 2010, titled as "Anil Kumar and others versus State of Punjab and others", decided on 16.05.2012 (Annexure P3).

It is averred that the petitioners were initially appointed as Clerks and were regularised as Junior Assistants w.e.f.01.01.1996. All the Junior Assistants in the Department, prior to 01.01.1996 were afforded equal pay scale i.e. `1500-2700/-. Pursuant to the recommendations of the 4th Pay Commission, Punjab NEENU VERMA 2015.05.30 13:28 I attest to the accuracy and integrity of this document Civil Service (Revised Pay) Rules, 1998 (for short 'the Rules'), were notified on 16.01.1998 and, consequently, pay scales of the government employees like petitioners (Junior Assistants) were revised. Accordingly, Junior Assistants were placed in the revised pay scale of `5000-8100/-, that was to be granted to all the Junior Assistants w.e.f.01.01.1996. Petitioners, who purport to have been placed in the cadre of Junior Assistants w.e.f. 01.01.1996, were, thus, entitled to the scale of `5000-8100/- under the Rules. Subsequently, vide notification dated 19.05.1998 (Annexure P2), the Rules were amended and Punjab Civil Service (Revised Pay)(First Amendment) Rules, 1998, were notified. As a result, an anomaly was created in the cadre of Junior Assistants. The second schedule attached to the amended rules, envisaged that for the cadre of Junior Assistants, the earlier pay scale of `1500-2700/- was revised to `5000-8100/-, but an explanation appended thereto stipulated that those Junior Assistants who were designated as such on 01.01.1996, their designation and revised equivalent pay scales shall be protected as a measure personal to them. And those Junior Assistants, who were designated as such after 01.01.1996, shall be entitled to the pay scale of `4400-7000/-. That is how, all those Junior Assistants who were designated as such, prior to 01.01.1996 were placed in the pay scale of `5000-8100/- and those who were designated, post 01.01.1996, were given the pay scale of `4400-7000/-. This was despite the fact that the entire cadre of Junior Assistants, prior to the revision w.e.f.01.01.1996 were placed in the NEENU VERMA same scale of `1500-2700/-.



2015.05.30 13:28 I attest to the accuracy and integrity of this document It is maintained that this Court in a decision rendered in CWP No.22422 of 2010, decided on 16.05.2012 (Annexure P3), resolved that even those Junior Assistants who were in office on 01.01.1996, would also be entitled to higher scale and protection of pay etc. and not only those, who were in service prior to the cut off date i.e.01.01.1996. The said decision dated 16.05.2012 (Annexure P3), has since attained finality, as even an LPA No.1729 of 2012 preferred against the said decision and also the Special Leave Petition No.1110 of 2015, were dismissed on 05.02.2014 and 07.01.2015, respectively. In short, a mandamus is sought to the respondents to fix the pay of the petitioner w.e.f.01.01.1996 in the pay scale of ` 5000-8100/-, with all consequential benefits, in terms of the decisions dated 16.05.2012 and 05.02.2014 (Annexures P3 & P4) rendered by this Court.

Prior to the filing of the instant petition, petitioners purport to have represented to the Chief Engineer/Canals, Irrigation Works Punjab, Chandigarh, vide representation dated 19.05.2015 (Annexure P5), through proper channel. And in response, Superintending Engineer, Canal Lining Circle, Bathinda, vide letter dated 20.02.2014 (Annexure P6), has deferred the claim of the petitioners saying: " .....application which has been received from the officials mentioned in the letter under reference, they are not party in the petition, therefore, the copy of the letter vide which this decision has been generalised may be sent to this office, so that the case may be forwarded to the Head Office for NEENU VERMA appropriate action."

2015.05.30 13:28 I attest to the accuracy and integrity of this document Learned counsel for the petitioners submits that the inaction or non consideration of the claim of the petitioners at the instance of the respondents, is unjustifiable. Particularly, when in the decision rendered by this Court in CWP No.22422 of 2010, decided on 16.05.2012 (Annexure P3), the petitioners therein have already been extended the benefit prayed for, vide office order dated 09.03.2015 (Annexure P7). He submits that at this stage, let this petition be disposed of only with a direction to respondent No.3, to consider and decide the representation (Annexure P5) of the petitioner, within a specified time.

That being so, and, without expressing any opinion on merits and particularly as regards the issue of delay/limitation, if any, the instant petition is disposed of with a direction to respondent No.3, to consider and decide the claim of the petitioners as set out in their representation dated 19.05.2015 (Annexure P5), strictly, in accordance with law, within a period of three months, from the receipt of the certified copy of this order. Needless to assert, a comprehensive order shall be passed assigning reasons, in support of the decision arrived at.

28.05.2015  
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(ARUN PALLI)  
JUDGE

NEENU VERMA

2015.05.30 13:28

I attest to the accuracy and  
integrity of this document

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT  
CHANDIGARH**

**CWP No. 22422 of 2010**

**Date of Decision: 16.05.2012**

**Anil Kumar and others**

**.....Petitioners**

**versus**

**State of Punjab and others**

**..... Respondents**

**CORAM: Hon'ble Mr. Justice Ajay Tewari**

Present: Mr. D.S.Patwalia, Advocate with  
Mr.Lalit Rishi, Advocate  
for the petitioners.

Mr. Suvir Sehgal, Addl. AG, Punjab.

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**Ajay Tewari, J. (Oral):**

The dispute raised in the petition is whether the petitioners are entitled to protection of the pay they were drawing on 1.1.96 or not. Admittedly the petitioners were promoted as Junior Assistants on 1.1.96. On 19.5.1998 the Punjab Civil Service(Revised Pay)(First Amendment) Rules, 1998 were promulgated which were deemed to have come into force w.e.f. 1.1.96. As per these rules the pay scale for the post of Clerks and Junior Assistants was revised and it was mentioned as follows:-

“The designation and the revised equivalent of the unrevised pay scale of officials working as Senior Clerk and Junior

Assistant, as on 1<sup>st</sup> January, 1996, shall be protected as a measure personal to them.”

The short grievance of the petitioners is that since they were in office on 1.1.96 they were also entitled to have their pay protected. In the written statement it is sought to be argued that pay protection would in fact, be available to those who were placed as such prior to 1.1.96. In my opinion the clear meaning of the rule would not lend itself to this interpretation. Once the petitioners were in office on 1.1.96 they would be entitled to the benefit granted to them by the Government.

It is thus declared that the petitioners would be entitled to the protection of their pay in terms of the stipulation by the Government extracted above.

The second prayer made in the petition is for the grant of ACP scheme. Learned counsel for the petitioners states that with the decision on the first point having come in favour of the petitioners he would not press this scheme at this stage but would be satisfied if the petitioners are permitted to make a representation in this regard which should be considered by respondent No.3 within any reasonable time. Learned Addl. AG has no objection to this course of action being followed.

Resultantly with regard to the second claim the petitioners are permitted to make a self contained representation to respondent No.3 who shall pass a speaking order thereon within a period of three months from the receipt thereof.

The petition is allowed to this limited extent.

**(AJAY TEWARI)**  
**JUDGE**

**CWP No. 22422 of 2010**

**3**

**May 16, 2012**  
**sunita**

**In the High Court of Punjab and Haryana, at Chandigarh**

**Letters Patent Appeal No. 1729 of 2012 (O&M)**

**Date of Decision: 5.2.2014**

State of Punjab and Others

... Appellants

Versus

Anil Kumar and Others

... Respondents

**CORAM: Hon'ble Mr. Justice Jasbir Singh.  
Hon'ble Mr. Justice Harinder Singh Sidhu.**

Present: Mr. Gaurav Garg Dhuriwala, Additional Advocate  
General, Punjab for the appellants.

Mr. D.S.Patwalia, Advocate  
for the respondents.

**Jasbir Singh, Judge (Oral)**

**Civil Misc. No. 4531-LPA of 2012**

After hearing counsel for the parties, this application is allowed. Delay of 82 days in filing the present appeal stands condoned.

**Letters Patent Appeal No. 1729 of 2012**

On 19.5.1988, by issuing a notification, the appellant-State framed Punjab Civil Services (Revised Pay) (First Amendment) Rules, 1998 (in short "the Rules") providing higher pay scales to various categories of employees. It was mandated that the Rules would come into force with effect from 1<sup>st</sup> of January, 1996. Revised higher pay scale was also mentioned in the said notification. It is not in dispute that the private respondents/petitioners were promoted as Junior Assistants on 1.1.1996. In the Rules, so published, following stipulation is in dispute:-

*"The designation and the revised equivalent of the unrevised pay scale of officials working as Senior Clerk and Junior Assistant, as on 1<sup>st</sup> January, 1996, shall be protected as a measure personal to them. For future the total number of*



*posts of Clerk including Senior Clerk and Junior Assistant in a cadre existing on 1<sup>st</sup> January, 1996 shall be divided into the posts of Clerk in the scale of Rs.3120-5160 and Junior Assistant in the scale of Rs.4400-700 in the ratio of 50:50. The new posts of Junior Assistant shall be created on the basis of actual requirements.”*

It was provided that designation and the revised equivalent of the unrevised pay scale of officials working as Senior Clerk and Junior Assistant as on 1<sup>st</sup> January, 1996 shall be protected as a measure personal to them. It was further provided that in future, total number of posts of Clerk including Senior Clerk and Junior Assistant in a cadre existing on 1<sup>st</sup> January, 1996 shall be divided into two categories having separate scales. Their pay was fixed at ₹ 4400-7000 instead of ₹ 5000-8100. The private respondents continued to draw that salary. However, in the year 2010, they approached this Court by filing Civil Writ Petition No. 22422 of 2010 which was allowed by the learned Single Judge on 16.5.2010. On interpretation of the extract from the notification, as reproduced above, it was stated that as the private respondents were in service on 1.1.1996, they were entitled to have their pay protected.

Contention of counsel for the State that pay protection would be available to those, who were in service prior to 1.1.1996 was rightly rejected. Before us also, an attempt has been made to say that as the Rules has come into operation on 1.1.1996, pay protection will be granted only to those who were in service prior thereto. It is further stated that as the private respondents have entered into service on 1.1.1996, they were not entitled to pay protection as prayed by them.

We are not inclined to accept that the above said argument which already stood rightly rejected by the learned Single Judge. Reading of notification dated 19.5.1988 makes it very clear that the higher pay scales were granted with retrospective effect i.e. from 1.1.1996. It is specifically stated that the Rules notified on the above said date shall be deemed to have come into force on and w.e.f. 1.1.1996. At end of notification dated 19.5.1988, which has been

reproduced in earlier part of judgment, it is also stated that pay shall be protected of those officials who were working as Senior Clerks and Junior Assistants as on 1.1.1996. Combined reading of the provisions of the notification dated 19.5.1988 (Annexure P3) makes it very clear that intention of the authorities was to give higher pay scale and protection of pay etc. to those employees who were in service on the cut off date i.e. 1.1.1996 and not only to those who were in service prior thereto.

As the private respondents approached this Court after lapse of long time, they cannot be granted benefit from the date when the notification came into effect i.e. 1.1.1996. Their right to fixation of notional pay and arrears shall be restricted to 38 months prior to the date of filing of the writ petition. To the above, no objection has been raised by counsel for the private respondents.

No case is made out to cause interference by this Court in the present appeal.

Dismissed.

**(Jasbir Singh)  
Judge**

**(Harinder Singh Sidhu)  
Judge**

**February 5, 2014**

“DK”