

Dr. Krishan Lal

B.Sc., B.Ed., M.A., M.Com., Ph.D. Retd. Lecturer Political Sc. H. No. 181, Ward No. 3

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A consultancy firm to provide help for the problems of govt. employees & retired pensioners

SLA / Library Restorer 10300–34800+3200 ਗਰੇਡ ਪੇ ਲੈਣ ਲਈ ਸੰਪਰਕ ਕਰਨ:

It is on the record of the Department/Govt. that the duties of Senior Lab Attendant, which are supervisory and are of responsibilities in nature and initial basic qualification for recruitment is matriculation with Science. Consequently since 1978 they were placed in the pay scale of 400-600 equivalent to the pay scale admissible to the clerk who have qualification of Matriculation then.

The 5th pay commission in para 5.63 while considering the demands of the education employees in this sector has made as following recommendation:-

5.63 Laboratory staff in school be given higher pay scale in view of the significance of their assignment.

The Govt. of Punjab having accepted recommendation that Laboratory staff should have been given higher pay scale of 10300-34800+grade pay Rs. 3200 minimum pay of Rs. 13500/- instead of revised the pay scale of S.L.A. raising from 5910-20200+1900 grade pay & minimum initial pay of Rs. 7810/-.

That as explained in aforesaid paras action of the department/state arbitrary, discriminatory and there is violation of Article 14 & 16 of the Constitution of India. The department/state having accepted the recommendation but not implemented as regard to revised/upgraded pay scale similar to other categories of 10300-34800+grade pay 3200/- neither w.e.f. 01.06.2006 nor w.e.f. 01.12.2011 as indicated in para 5.63 of the recommendation of pay commission i.e. expert body that his undertaken the intricate exercise of evaluating the relevant parameters.

Name of the Post	Revised	scale of pa 1.1.2006	ay w.e.f.	Revised	scale of pa 1.12.2011	ay w.e.f.
	Pay Band	Grade Pay	Initial Pay	Pay Band	Grade Pay	Initial Pay
Senior Laboratory Attendent	5910- 20200	1900	7810	5910- 20200	2400	9880
Library Restorer	5910- 20200	1900	7810	5910- 20200	2400	9880
Restorer	5910- 20200	1900	7810	10300- 34800	3200	13500
					CWP No.	t decision . 4456 of (O&M)
Clerk	5910- 20200	1900	7810	10300- 34800	3200	13500
Constable	5910- 20200	1900	7810	10300- 34800	3200	13500
Photostate Machine Operator	5910- 20200	1900	7810	10300- 34800	3200	13500

Drivers of Heavy/Light/Commercial	5910- 20200	2000	8240	10300- 34800	3200	13500
Vehicals and Staff Cars					After cour CWP No. 20	7920 of

Name of the Post	Revise	d scale of par 1.1.2006	y w.e.f.	Revise	d scale of pa 1.10.2011	y w.e.f.
	Pay Band	Grade Pay	Initial Pay	Pay Band	Grade Pay	Initial Pay
Gram Sewak/Sewika	5910-20200	1900	7810	10300- 34800	3200	13500

Name of the Post	Revise	d scale of pa 1.1.2006	y w.e.f.	Revise	d scale of pa 1.11.2011	y w.e.f.
	Pay Band	Grade Pay	Initial Pay	Pay Band	Grade Pay	Initial Pay
Patwari	5910-20200	1900	7810	10300- 34800	3200	13500

- 1. CWP No. 7920 of 2013 Manmohan Singh and others V/s State of Punjab and Others Decided on 01-02-2018 that the Drivers of Heavy/Light/Commercial Vehicals and Staff Cars are entitled to the revised pay scale of Rs. 10300-34800/- plus grade pay of Rs. 3200/- at least at par with patwaris with effect from 01.12.2011.
- 2. CWP No. 4456 of 2016 (O&M) Kanta Kumari and Others V/S State of Punjab and others ਦੇ ਫੈਸਲੇ 24-05-2018 ਅਤੇ COCP No. 161 of 2019 Kanta Kumari and others V/S Kartar Avtar Singh Chief Secretary and others ਦੇ ਅਨੁਸਾਰ ਪੰਜਾਬ ਸਰਕਾਰ ਆਮ ਰਾਜ ਪ੍ਰਬੰਧ ਵਿਭਾਗ (ਸਕੱਤਰੇਤ ਅਮਲਾ-5 ਸ਼ਾਖਾ) ਦੇ ਹੁਕਮ ਅਤੇ ਵਿੱਤ ਵਿਭਾਗ ਵੱਲੋਂ ਪੱਤਰ ਨੰ. 1/27/2019-5FPI/263-267 ਮਿੱਤੀ 12-02-2020 ਦੇ ਆਦੇਸ਼ਾ ਦੇ ਸਨਮੁੱਖ Restorer ਨੂੰ 10300-34800+3200 ਦਾ ਗਰੇਡ ਪੇ ਦੇਣ ਦੇ 01-12-2011 ਤੋਂ ਨੋਸ਼ਨਲ ਤੌਰ ਤੇ ਰਿਵਾਇਜਡ ਕਰਦੇ ਹੋਏ ਸਿਵਲ ਰਿੱਟ ਪਟੀਸ਼ਨ ਦਾਇਰ ਕਰਨ ਦੀ ਮਿੱਤੀ ਦੇ 38 ਮਹੀਨਿਆ ਤੱਕ ਦੇ ਬਣਦੇ ਬਕਾਏ ਦੇਣ ਦੇ ਆਰਡਰ 22-06-2020 ਨੂੰ ਕਰ ਦਿੱਤੇ ਹਨ।

ਉਪਰੋਕਤ ਰਿਕਾਰਡ ਅਨੁਸਾਰ SLA / Library Restorer 10300-34800+3200 ਗਰੇਡ ਪੇ ਲੈਣ ਲਈ ਸੰਪਰਕ ਕਰਨ ਕਿਉਂਕਿ ਇਹ ਸਕੇਲ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ Restorers, Clerks, Constables, Photostate machine operators, Drivers, Gram Sewak/Sewika ਅਤੇ Patwaris ਲੈ ਰਹੇ ਹਨ । Restorer ਦੇ ਕੇਸ ਦੀ ਸੁਣਵਾਈ ਸਮੇਂ ਕੋਰਟ ਨੇ ਟਿਪਣੀ ਕੀਤੀ ਕਿ ਜੇਕਰ ਇਕ ਵਾਰ ਸਰਕਾਰ 2 ਅਹੁਦਿਆਂ ਨੂੰ ਬਰਾਬਰ ਮੰਨਦਿਆ ਸਮਾਨ ਤਨਖਾਹ ਦੇ ਰਹੀ ਸੀ ਤਾਂ ਅਜਿਹੇ ਵਿਚ ਹੁਣ ਕੰਮ ਦੀ ਪ੍ਰਕਿਰਤੀ ਅਨੁਸਾਰ ਉਨ੍ਹਾਂ ਨੂੰ ਅਲੱਗ-ਅਲੱਗ ਤਨਖਾਹ ਦੇਣ ਦੀ ਦਲੀਲ ਕਿੰਝ ਮੰਨੀ ਜਾ ਸਕਦੀ ਹੈ ?



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A consultancy firm to provide help for the problems of govt. employees & retired pensioners PERFORMA (ENGLISH CAPITAL LETTERS) Regarding SLA / Library Restorer Grade 10300-34800+3200 from 01-12-2011

Name & Father Name	
Designation	
School	
Date Of Birth	
Aadhar Card No.	
Date Of Appointment	
Date Of regular Joining	
Date of Joining as S.L.A. / Library Restorer	
Date Of Retirement	
Mobile Number & Whats App Number	
Email Address	
Residance Address & Distt	
Signature	

Important Points:-

Paytm Payment Mobile Number: 9915031482 Google Pay Payment Mobile Number: 9915031482 PhonePe Payment Mobile Number: 9915031482

- 1. In case of female, write the name of husband in address.
- 2. Send one copy of performa by whatsapp and one by post.
- 3. Send one copy of Aadhar Card by whatsapp and one by post.

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

POWER OF ATTORNEY

In the Court of		
	VERSUS	Plaintiff/Appeallant Complainant Petitioner Defendant
	m these present shall come tha	
for the	in the above mention	ed case to do all the following acts
deeds and things or an 1. To act appear and plea	y of them that is to say :- d in the above mentioned case	e in the court or any other Court in or in any stage of its progress until
Present pleading appe review, revisions withdr	awal compromise or other petition	bjection or petitions for execution ons or affidavit or other documents secution of the said case in all its
To file and take back do dismissed in default.		for restoration there of in case it is
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To employee and other authorities hereby confer And I/We hereby agree	erred on the advocate wheneve	him to exercise the power and r he may think fit to do so. te or his substitute shall do in the
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which have been explain		s to the represent the contents of the

Accepted:

(Signature or Thumb Impression of client)

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

(1) CWP No. 18466 of 2014 (O&M) Date of decision: April 26, 2017

Anuj Kumar Sharma and another

...Petitioners

Versus

State of Punjab

...Respondents

(2) CWP No. 8687 of 2015 (O&M)

Vinod Kumar and others

...Petitioners

Versus

The State of Punjab and another

...Respondents

(3) CWP No. 24372 of 2015 (O&M)

Sukhwinder Singh and others

...Petitioners

Versus

The State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Kanwal Goyal, Advocate,

the petitioners in CWP No. 18466 of 2014.

Mr. Ranvir S. Chauhan, Advocate,

for the petitioners in CWP Nos. 8687 and 24372 of 2015.

Mr. Pankaj Mulwani, DAG, Punjab.

JAISHREE THAKUR, J.

1. By this common order, this court proposes to decide CWP No.18466 of 2012 and CWP Nos. 8687 and 24372 of 2015, since a common

law point is involved. For the sake of brevity, facts are being taken from

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Civil Writ Petition No. 18466 of 2014 titled Anuj Kumar Sharma and

another Versus State of Punjab and others.

2. In brief, the petitioners were initially appointed as Restorers and

subsequently promoted to the post of Telephone Attendants in Punjab Civil

Secretariat. The basic qualification required for appointment to the post of

Restorers, Clerk, Photostat Machine Operator and Telephone

Attendants/Operators in Punjab Civil Secretariat is the same namely,

matriculation from a recognized University or its equivalent. In addition,

candidates applying for the post is required to qualify the competitive tests

to be held by the recruiting authority. The employees initially were placed in

the same pay scale of ₹950–1800 which was subsequently revised to ₹3120-

5160 w.e.f. 01.01.1996 and thereafter they were all granted the revised pay

scale of ₹5910–20200 and grade pay of ₹1900 w.e.f. 01.01.2006. Thereafter,

the pay scales of Clerks, Constables Photostat Machine Operators were

again revised from ₹5910-20200 to ₹10300-34800 with grade pay of ₹3200

w.e.f. 01.12.2011. However, the pay scale of the Telephone Attendants and

Operators was not revised and they were kept in the same pay band of

₹5910-20200 with a revision in the grade pay from ₹2400. Aggrieved

against the denial of revision in pay scale as is given to others, the instant

writ petition has been filed.

3. Mr. Kanwal Goel and Mr. Ranvir S. Chauhan, learned counsels

appearing on behalf of the petitioners, contend that initially Photostat

Machine Operators, Constables, Clerks and Telephone Attendants had all

been given the same pay scale and it is only vide Punjab notification dated

15.12.2011 that the scale of pay of Telephone Attendants was kept at ₹5910-20200 with grade pay of ₹2400, while increasing it for others to ₹10300-34800 with grade pay of ₹3200 w.e.f. 01.12.2011, creating a disparity in the pay scale. In this regard, a representation had been addressed to the authorities concerned to remove the anomaly that had arisen but no action was taken thereon. It is argued that as per Rule 7 of Punjab Civil Secretariat (State Service Class III) Rules 1976 (hereinafter called 'the Rules of 1976'), the mode of appointment and minimum educational qualification to the post of Clerk is mentioned at serial No. 4 which is either by direct appointment, by transfer from another department or by promotion from amongst Restorers who would have the qualification of being a graduate from of a recognized University or its equivalent or being a matriculate with 5 years experience with as a Restorer along with having to qualify a Departmental test. As per Rule 7, at serial No. 5 a Restorer could be appointed by direct appointment, through transfer or by selection from amongst the Daftris of the Punjab Civil Secretariat and the qualification of the Daftri's is matriculation from a recognized University or its equivalent with 3 years experience in service as Daftri. Furthermore, at serial No. 19 Telephone Attendant is to be appointed only by way of promotion from amongst the restorers with educational qualification of Matriculate from a recognized university with the ability to handle telephone and being prompt in conveying messages on the telephone. It is further argued that in similar cases this Court in Gurbir Singh and others Vs Punjab And Haryana High Court and others CWP No. 488 of 2015 and other connected writ petitions had allowed the revision of pay scales of

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Restorers of this Court who had also raised a grievance regarding the anomaly in the pay scale. Once a person is promoted to a higher post his pay cannot be lower than the pay scale of the feeder post. Based on the aforesaid judgment, the petitioners herein claim removal of the anomaly that has crept in.

- 4. Per contra, Mr. Pankaj Mulwani, Deputy Advocate General Punjab, for the respondents, contend that the Cabinets Sub-Committee which was constituted to remove the individual grievances of the employees did not favour pay scale to the Telephone Operators equivalent to Clerks, Photostat Operators and Constables. It is further argued that grant of pay scale and determination of parity in pay scale is a complex matter which is for executive to discharge and not within the purview of the High Court. It is also argued that the nature of job of a Clerk is absolutely different than that of Telephone Operator/Attendant. Clerks have to attend matters pertaining to Courts, RTI Commission and other ancillary matters which is not the case as of Telephone Attendants and moreover now the minimum qualification for the post of Clerk has been enhanced from matriculation to graduation by day notification dated 10.2.2009 with experience on computers and, therefore, the claim of the petitioners cannot be exceeded to. In this regard, learned counsel places reliance upon a judgment rendered in S.C Chandra Versus State Of Jharkhand, reported in (2007) 8 SCC 219 and Union Of India Versus Hiramoney Sein and others (2008) 1 SCC 630.
- 5. I have heard the counsel for the parties and with their assistance have gone through the pleadings.

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- 6. A contention has been raised that this Court does not have the jurisdiction to entertain the matter by relying upon judgments rendered in **S.C Chandra and Hiramoney Sein** (supra). A perusal of the judgments would show that they are distinguishable and not applicable with the instant matter since they pertain to equal pay for equal work, which is not the case in hand.
- 7. It has been held in the case of Randhir Singh & others vs. Union of India, AIR 1982 SC 879, that the equation of posts and payment are the matters to be decided by expert bodies, like the Pay Commission. In Union of India vs. Tarit Ranjan Das, (2003) 11 SCC 658 and Union of India and another vs. P. V. Hariharan and another, (1997) 3 SCC 568, a similar view has been expressed, wherein, it has been held that the fixation of pay scale is a function of the Government and once an expert body has gone into the issue, it is not open for any Court to sit in judgment as on appeal over the conclusion arrived at.
- 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

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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.

12. The writ petitions stand disposed of with the aforesaid directions.

April 26, 2017

prem

(JAISHREE THAKUR) JUDGE

Whether speaking/reasoned Whether reportable

Yes No

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(I) CWP-4456-2016 (O&M) Date of decision: 24.05.2018

Kanta Kumari and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

(II) CWP-4781-2016 (O&M) Date of decision: 24.05.2018

Anita Sharma and another

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

(III) CWP-6354-2016 (O&M) Date of decision: 24.05.2018

Balwinder Singh and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

(IV) CWP-6361-2016 (O&M) Date of decision : 24.05.2018

Netar Singh and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R.K. Arya, Advocate,

for the petitioner(s).

Ms. Sudeepti Sharma, Addl.A.G., Punjab.

JITENDRA CHAUHAN, J.

The present batch of four petitions is being disposed of by this single judgment as the controversy involved therein is common. However, for brevity, the facts are being derived from CWP-4456-2016.

On 03.11.2017, the following order was passed:-

"Learned counsel representing the petitioners would contend that the controversy raised in the instant petition would be covered in terms of directions issued by a Coordinate Bench in CWP-18466-2014 decided on 26.04.2017 (Anuj Kumar Sharma & another Vs. State of Punjab) and other connected petitions.

In the case of **Anuj Kumar Sharma (supra)**, the matter has been referred to the Finance Department/The Pay Anomaly Committee to look into the grievance as regards dis-parity in the pay scales that were granted.

A copy of the judgment in **Anuj Kumar Sharma's case (supra)** has been furnished to learned State counsel and who would complete instructions as to whether the same course of action can be adopted even in the present writ petition.

List on 18.12.2017.

A photocopy of this order be placed on the connected files of this case."

Learned State counsel has conceded that the case of the petitioners would be covered in terms of directions issued in **Anuj Kumar**

Sharma's case (supra), the operative portion of which reads thus:-

"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 this 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 his matter be considered by the Finance

CWP-4456-2016 and connected matters

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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."

In view of the stand taken by the parties and the directions given in Anuj Kumar Sharma's case (supra), the instant writ petition is disposed of in the same terms.

24.05.2018 atulsethi

(JITENDRA CHAUHAN) JUDGE

Whether speaking / reasoned: Yes No

Whether Reportable: Yes No

103(1) COCP-99-2019(O&M)

NETAR SINGH AND ORS VS KARAN AVTAR SINGH, CHIEF SECRETARY AND ANR

103(2) COCP-100-2019 (O&M)

BALWINDER SINGH AND OTHERS. VS. KARAN AVTAR SINGH, CHIEF SECRETARY AND ANOTHER

103(3) COCP-101-2019 (O&M)

ANITA SHARMA AND ANOTHER VS. KARAN AVTAR SINGH, CHIEF SECRETARY AND ANOTHER

103(4) COCP-161-2019 (O&M)

KANTA KUMARI AND OTHERS VS. KARAN AVTAR SINGH, CHIEF SECRETARY AND ANOTHER

Present: Mr. R.K. Arya, Advocate for the petitioner (s).

Learned State counsel submits that order dated 24.05.2018 passed in CWP-4456-2016 and connected matters, has been complied with, as such, all the petitions captioned above, have been rendered infructuous.

Learned counsel for the petitioner submits that vide order dated 11.02.2020 (Annexure R-1), the respondents claimed to have removed the pay anomaly and revised the grade pay. However, the claims of the petitioners have not been fully met to which they will avail separate legal remedies available to them. He further submits that consequential monetary benefits on revision of the pay scale have not been paid till date and the arrears have also been restricted to 38 months despite the fact that there is no such direction in the order dated 26.04.2017 passed in CWP-18466-2014.

Learned State counsel submits that the arrears of petitioners are being worked out and will be paid within 8 weeks.

Affidavit be also filed clarifying as to under what circumstances, arrears have been restricted to 38 months while complying with order dated 24.05.2018 (ibid).

List on 06.07.2020.

Against the order passed by the respondents revising their pay scales, the petitioners may avail separate legal remedies available to them.

Copy of this order be placed on the files of other connected matters.

> (SURINDER GUPTA) JUDGE

March 05, 2020

Sachin M.

CWP No.7920 of 2013

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218 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7920 of 2013.

Date of Decision: 01.02.2018.

Manmohan Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: Hon'ble Mr. Justice Jitendra Chauhan

Present: Mr. K.S. Dadwal, Advocate,

for the petitioners.

Ms. Sudeepti Sharma, Addl. A.G., Punjab.

JITENDRA CHAUHAN.J.

This petition has been filed under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to remove the anomaly operating in the pay scales of the petitioners and to grant the pay scale of

Rs.10,300-34,800/- plus grade pay of Rs.32,00/-.

It is contended that the petitioners have been working as drivers in various departments under the control of State of Punjab and are performing arduous nature of duties. Initially, the pay scale of the petitioners was higher to the Patwaris and Clerks and in the successive pay revisions, the petitioners were kept at higher pedestal than the Patwaris and Clerks. However, in the pay revision implemented with effect from 01.12.2011, the pay scale of the petitioners was not revised.

In the reply filed on behalf of respondent Nos. 1, 2 and 6, it has been pleaded that the petitioners are in the Health department are not at par with the Clerks of other departments. The qualification, nature of duties and responsibilities, promotional channel and facilities of the petitioners vis-a-vis Clerks and Patwaris are quite distinct. As per the notification dated 10.02.2009 Annexure R-1, the qualifications for the post of Clerks had been changed whereas, the qualifications for the post of Driver remained unchanged. The petitioners are not only paid extra amount in view of overtime duties but also they are given uniform and special pay. Besides the service rules, even the nature of duties of these posts are different. There is no parity in these posts and consequently, there is no anomaly in the pay scales of the petitioners with that of Clerks or Patwaris.

Heard.

To understand the alleged discrimination, it is apposite to tabulate the successive pay commission reports respecting Drivers of Heavy/Light/Commercial Vehicles and Staff Cars (petitioners) and Patwaris:-

Category	01/01/68	01/01/78	01/01/86	01/01/96	01/01/06	01/10/11	01/12/11
Drivers of Heavy/Lig ht/Comme rcial Vehicles and staff cars		400-600	950- 2100+300	3330-6200	6910- 20200+ GP: 2000		
Patwari	110-180	400-600	950-1800	3120-5160	5910- 202000+ GP 1900		10300- 34800 G.P. 3200

A bare perusal of the afore-stated chart reveals that the drivers were initially drawing pay scale of 400-600 in the year 1978 and in the year 1986 their pay scale was at a higher pedestal than the Patwaris. Similar was the position in the year 1996 as also in 2006. However, the recommendations made by the Pay Commission in 2011 brought about anomaly in the pay scales to be granted to the drivers. Intriguingly, Patwaris, who were drawing lower pay scale were granted pay scale of Rs.10,300-34,800/- plus grade pay of Rs.32,00/- as against the drivers (petitioners) who were not granted the revised pay scale in 2011. This anomaly has to be redressed. Admittedly, the petitioners being drivers are performing arduous duties but have been drawing lesser pay than the Patwaris. The changed pay scales adverse to the petitioners are not justifiable in the background explained above. They are legally entitled for the pay scale of Rs. 10,300-34,800/- plus grade pay of Rs.32,00/- as is being drawn by the Patwaris. The State being a model employer cannot act arbitrarily and in a discriminatory manner to the prejudice of one class of its employees. From the inception till date, the nature of job has substantially remained unchanged. This fact itself is suggestive of the fact that the deviation in the original pattern of pay scale is not substantiated by any logic nor any material in support of the fact that both the cadres have undergone any change has been brought on record by the State. Therefore, it is inherently illogical to discriminate against one set of employees of the State as against their counterparts who were at the same footing at the time of inception of the process.

In K.T. Veerappa and others vs. State of Karnataka and others (2006) 9 SCC 406 it was held as under:-

"13. He next contended that fixation of pay and parity in duties is the function of the Executive and financial capacity of the Government and the priority given to different types of posts under the prevailing policies of the Government are also relevant factors. In support of this contention, he has placed reliance in the case of State of Haryana and another vs. Haryana Civil Secretariat Personal Staff Association, 2002(3) SCT 674 and Union of India and another vs. S.B. Vohra and others, 2004(1) SCT 788. There is no dispute nor can there be any to the principle as settled in the case of State of Haryana & Anr. v. Haryana Civil Secretariat Personal Staff Association (supra) that fixation of pay and determination of parity in duties is the function of the Executive and the scope of judicial review of administrative decision in this regard is very limited. However, it is also equally well-settled that the courts should interfere with administrative decisions pertaining to pay fixation and pay parity when they find such a decision to be unreasonable, unjust and prejudicial to a section of employees and taken in ignorance of material and relevant factors."

Further in G.K. Nagpal vs. Punjab State Electricity

Board 1998(1) SCT 694 it was held as under:-

"5. It is undoubtedly true that the posts of Laboratory Assistants are different from those of Line Superintendents etc. It is also correct that they carry different qualifications as well as different duties. However, the fact remains that all these posts had been treated as 'equal' initially. They were even treated as 'equal' even at the time of the revision of the pay scales. If at a subsequent stage they were to be treated differently, some reason should have been disclosed. The respondent-Board has not disclosed any reason in the written

statement. This is in spite of the fact that various officers of the Board have repeatedly opined that the duties of the posts are analogous, the qualifications are similar and as such the plea for parity of treatment in the pay-scales should have been granted. Why the respondent-Board treated the appellants differently? Neither in the written statement nor by any other document the reason has been disclosed in the Court. Even at the hearing, no one has appeared on behalf of the respondent-Board to justify this action.

6. We are conscious of the fact that a differential treatment in the matter of pay scales on the basis of educational qualifications and the nature of duties is permissible. However, it is equally clear to us that if two categories of employees are treated as equal initially, they should continue to be so treated unless a differential treatment is justified by some cogent reason. In a case where the nature of duties is drastically altered, a differential scale of pay may be justified. Similarly, if a higher qualification is prescribed for a particular post, a higher scale of pay may be granted. However, if the basic qualifications and the job requirements continue to be identical or as they were initially laid down, then the Court shall be slow to accept the action of the authority in according a differential treatment unless some good reason is disclosed. In the present case, the only reason pointed out in the written statement is based on the qualifications and the job requirements. There has been admittedly no change in either of the two parameters. That being so, no new ground for creating a classification was made out.

7. In view of the above, we allow the appeal. The appellants shall be entitled to be placed in the scale of Rs. 700-1200 with effect from January 1, 1978. We are not awarding any costs as no one has appeared on behalf of the respondent-Board to contest the claim.

Appeal allowed."

The upshot of the above discussion leads to the

CWP No.7920 of 2013

6

conclusion that the anomaly deserved to be removed and the present

writ petition succeeds. The petitioners are held entitled to the revised

pay scale of Rs.10,300-34,800/- plus grade pay of Rs.32,00/- though,

not at a higher pay scale but at least at par with the Patwaris with effect

from 01.12.2011. The State is directed to fix the pay of the petitioners

accordingly within a period of three months from the date of receipt of

certified copy of this judgment. The arrears of the pay etc. be also

released in their favour within three months thereafter.

01.02.2018.

SN

(JITENDRA CHAUHAN)

JUDGE

Whether speaking/reasoned : Whether reportable :

Yes/No Yes/No









Shashi Bhushan Nagpal B.A. (Hons.) LL.B.L.S.G.D. Ex-Treasury Officer Advocate Punjab & Haryana High Court

Office-cum-Residence: H.No. 414/1 Sector 43-A Chandigarh Mob.: 988868640 Regd. Letter

Dated: 14.08.2014

To

1. The Principal Secretary

Deptt. of Education, Govt. of Punjab

Punjab Civil Secretariat, Chandigarh

2. The Secretary

Deptt. of Personal Finance, Govt. of Punjab

Punjab Civil Secretariat, Chandigarh

3. The Director of Public Instructions (SE), Punjab

Punjab School Board Complex,

Phase IX SAS Nagar, Mohali

Subject:

Legal Justice Demand Notice seeking restoration of equality of post of Senior Lab Attendant with Photostat Machine Operators/Clerks, Constables and Gram Sevekas granted by the 5th Punjab Pay Commission continuously since long also with the posts Bill, Ledger Keepers & Store Keepers but Govt. of Punjab disturbed equality by not upgrading pay scale equal to them i.e. 10300-34800 + grade pay 3200 minimum initial pay Rs. 13150 w.e.f 01.12.2011 whereas SLA has been allowed to be placed in the pay scale 5910-20200+2400 grade pay as on 01.01.2006 being similar situated being treated in a discriminate manner.

Sir.

I on behalf of my client Om Parkash S/o Hari Chand who is working on the post of Senior Lab Attendant in Govt. Senior Secondary School Chak Sherewala Tehsil & District Muktsar Sahib alongwith his many colleagues whose particulars are given below:-

- 1 Vijay Kumar S/o Gurdayal Singh SLA, Govt. Senior Secondary School Boys Muktsar Sahib.
- 2 Gurjeevan Singh S/o Gurcharan Singh SLA, Govt. Senior Secondary School Boys Muktsar Sahib.
- 3. Artit Pal Kaur W/o Balwinder Singh SLA, Govt. Senior Secondary School Boys Muktsar Sahib.
- 4. Karamjit Kaur W/o Amandeep Singh Govt. Senior Secondary School Boys Muktsar Sah ...
- Satnam Singh S/o Hardev Singh Govt. Senior Secondary School Girls Muktsar 5. Sahib.
- 6. Kulbir Singh S/o Geetan Singh, Govt. Senior Secondary School Girls Muktsar



- Nirmala Devi W/o Subhash Chander, Govt. Senior Secondary School Girls Muktsar Sahib.
- 8. Gurveer Kaur D/o Gurbinder Singh, Govt. Senior Secondary School Girls Muktsar Sahib.
- Gurmeet Singh S/o Balwant Singh, Govt. Senior Secondary School Doda Distt. Muktsar Sahib.
- Kuldeep Singh S/o Harbans Singh, Govt. Senior Secondary School Doda Distt. Muktsar Sahib.
- 11. Gurtej Singh S/o Jagir Singh, Govt. Senior Secondary School Bhalaiana (Muktsar).
- 12. Gurpartap Singh S/o Jarmej Singh, Govt. High School Bhagjari Distt. Muktsar.
- 13. Gurjeet Kaur W/o Amandeep Singh, Govt. Senior Secondary School, Girls Ehagrar Distt. Muktsar Sahib.
- Kabir Singh S/o Mall Singh, Govt. Senior Secondary School, Boys Bhagrar Distt. Muktsar Sahib.
- 15. Harmandeep Singh S/o Nirbhey Singh, Govt. Senior Secondary School Girls Malcut Dist Muktsar Sahib.
- 16. Navjoot Bala W/o Balwinder Kumar, Govt. Senior Secondary School Girls Malout Disrt. Muktsar Sahib.
- 17. Rajbir Singh S/o Harjeet Singh Govt. Senior Secondary School Lambi Dsitt. Muktsar Sahib.
- 18. Daljit Singh S/o Harbans Singh, Govt Secondary School, Udhekaran (Muktsar Sahib).
- Gursevak SIngh S/c Ravinder Singh, Govt. Senior Secondary School Udhekaran (Muktsar Sahib).
- 20. Sukhjinder Singh S/o Jagjit Singh, Govt. High School Sarai Nagar (Muktsar Sahib)
- 21. Jaspal Kaur D/o Partap Singh, Govt. Senior Secondary Mandi Harzi Ram Malout Distt. Muktsar Sahib.
- Jagmohan Singh S/o Darshan Singh Govt. Senior Secondary School Bariwala,
 Distt. Muktsar Sahib.
- 23. Surinder Kaur W/o Balwinder Singh, Govt. Senior Secondary School, Badal Distt.

 Mickisar Sanib.
- 24. Paras Ram S/o Hans Raj, Govt. Senior Secondary School, Badal Distt. Muktsar. serve up as you this legal justice demand notice as under:-
- 2. That it is on the record of the Department/Govt. that my clients are performing duties of Senior Lab Attendant, which are supervisory and are of responsibilities in nature and initial basic qualification for recruitment is matriculation with Science. Consequently since 1978 they were placed in the pay scale of 400-600 equivalent to the pay scale admissible to the clerk who have qualification of Matriculation then.

1	Patwari	-do-
4	1 atwarr	do
5	Gram Sewak/Seweka	-00-

- 7. That 5th pay commission in para 5.63 while considering the demands of the education employees in this sector has made as following recommendation:-
 - 5.63 Laboratory staff in schools be given higher pay scale in view of the significance of their assignment.
- That it is also on record of this department wherein departmental authorities admitted anomaly in the cadre of Senior Lab Attendant hence once respondents have found the anomaly they are entitled to be replaced at par with other persons as mentioned in this legal justice demand notice. The cadre of Senior Lab Attendant should also granted the same scale of pay as these were admitting equated posts as on 01.01.2006 hence cadre of SLA is also entitled to the pay scale of 10300-34800+grade pay 3600 w.e.f 01.01.2006.
- 9. That respondent Govt. of Punjab having accepted recommendation that Laboratory staff should have been given higher pay scale of 10300-34800+grade pay Rs. 3600 minimum pay of Rs. 13500/- instead of revised the pay scale of the following categories raising from 5610-20200+1900 grade pay & minimum initial pay of Rs. 7810/-

1	Earth Work Munshi	5910-20200 + grade pay 2400 initial pay 9880
2	Work Minstry	-do-
3	Work Munshi	-do-
4	Work Inspector	-do-
5	Conductor	-do-
6	Restorer	-do-
7	Multi Instructor	-do-
8.	Laboratory Assistant/Attendant	-do-
9	Milk Recorders	-do-
10	Pump Operator	-do-
11	Insect Collector	-do-

- That it's admitted fact that it is the function of the executive to recommend the pay scale for different categories of its staff before the pay commission. Keeping in view the nature of their duties, qualification and various other factors and for that purpose expert bodies like pay commission given their recommendation in favour of SLA's. But in the present case as explained above, allowing higher pay denying the similar/equal situated person/employees will be case of re-writing the recommendation made by the pay commission. There is whole scale dissimilarity between the same post. Hence it is a case of discriminate/anomalies created by the Government.
- 11. That as per recommendation of earlier and now as per original recommendation of 5th Puniab Pay Commission. It was found merits in the contention of the holder of the posts of SLA and placed them at part with others categories of category 'A' w.e.f 01.01.2006 whereas Govt. of Punjab arbitrarily violated equation and crated anomaly in pay scale in a whimsical manner w.e.f 01.11.2011/01.12.2011. In this

manner employee of 'B' category's pay scale has been lowered down at their back without providing them an opportunity to defend their lower down pay scale violating principle of natural justice. Consequently respondent state violated provision of Article 14 & 16 of the Constitution of India by not restoring equal right of equal treatment by way of providing equal pay for equal work by not enhancing pay scale of 'B' category by withholding of their placement in the pay scale of Rs. 10300-34800+grade pay of Rs. 3200 with initial basic pay of Rs. 13500.

- That non-upgradation of pay scale of the Senior Lab Attendant similar to Photosta: Machine Operator, Bill Clerk, Ledge Keeper and Clerks indicate that departmental authorities are not initiated revision of pay case of SLA before the Anomaly committee being similar situated in an unconcerned manner consequently they contributed to bring in-efficiency not only this departmental authorities.
- That Hon'ble Punjab & Haryana High Court in the full bench judgment of CWP 12029 of 1998 titled Rajbir Singh & others Vs. H.S.E.B. & others in Para 9 of the judgment held that in case of an anomaly has arisen during the revision of pay scale the correction thereof will be effective from the date when the anomaly had arisen in the present anomaly commenced from 01.12.2011 hence it is to be corrected from that date when anomaly was created/discovered.
- That this Hon'ble Punjab & Haryana High Court in CWP 5162 of 1993 titled Gauge Readers Association Vs. State of Haryana & others held that since telephone operators were placed in the same pay scale upto 1979 and no action has been brought on record to remove discrimination between their pay scale and anomaly of different categories is also admitted. Although it is the duty of the employer to decide the pay scale of its employees. Hence it is found that disparity in the pay scale constitute discrimination and violation of Article 14/16 of the Constitution of India. In view of the above circumstance petition was allowed and petitioners were held entitled to the benefits of pay scale from the date disparity has been introduced.
- That it is on record that 23.11.2011 Govt. of Punjab revised pay scale of the various cadres amended earlier notification dated 27.05.2009 having been placed them in the pay scale of 5910-20200+1900 grade pay. As per settled principle of law as settled by this Hon'ble High Court in the judgment of CWP 5209 of 2009 titled Kapil Dev Vs. Union of India 2010(2) SCT 213 wherein it is held that once anomaly in pay scale found to be removed the same can be removed by implementation of recommendation of pay commission in others cases also. In the absence of any explanation of non-removal of anomaly in the cadre of SLA they are entitled to revised pay. Hence petitioner was held entitled to similar benefits.
- That claim of my client is further enlarging the anomaly by granting pay scale of 10300-34800+grade pay 3200 to clerk and other similar categories as explain #C in para 5 & 6. The Hon'ble Punjab & Haryana High Court in CWP 10068 of 2012 titled Shubh Karan & others Vs. State of Punjab & others and in CWP 10554 of

2013 titled Darshan Singh & others Vs. State of Punjab directed the respondents to decide the base of implementation of anomaly within specified period.

17. That Delhi High Court in the case of Ram Kishan Dass & others Vs. Banwan Lal Suri & others 2006(89) DRJ 730 held and relevant portion of judgments are reproduced as under:-

Another facts of statutory duty is to impose negative obligation on the state not to encroach upon the rights of the individual or to frustrate what is granted under the law, the legality or illegality of a state action particularly when they are acting in furtherance to the statutory powers vested in them, would be subject to judicial review not in its narrow sense whenever a cause is relatable to branch of statutory duty of a public officer the rule of law would essential provide for a remedy even if it is not so specifically provided for a remedy even if it is not so specifically spelled out in the provision of the Act, arbitrariness and unreasonableness being facts of Article 14 are available as ground not only for questioning an administrative action but even in certain cases even may invalidate sub-ordinate legislation. Timely action in the essence of Govt. functioning and unreasonable delay question the very correctness of such orders. It I settled law that *lex nil frusta jubet*.

- 18. That respondent state in the written statement of CWP 4948 of 2012 titled Satbir Singh & others Vs. State of Punjab that General Conversion table was implemented vide Govt. notification dated 27.05.2009 w.e.f 01.01.2006 from all Govt. employee. It is further submitted that pay commission had recommended upgraded scale of pay for person categories of employees which were over and above the scale contained in the general conversion table. The recommendation of commission were accepted at a subsequent stage in the light of circular dated 05.10.2011 and made upgraded scale of pay admissible due to tight financial position on a prospective basis w.e.f. 01.10.2011. Consequently state Govt. implemented the recommendation of pay commission w.e.f 01.01.2006 qua certain category of employee and from a subsequent date different set of employees but in the case of cadre of Senior Lab Attendants recommendation of para 5.63 as reproduced in para 7 of this notice still remained unimplemented.
- 19. That in para 14 of judgment of CWP 4948/2012 this Hon'ble High Court also recorded that under para 5.64 the employees of Education Department were also recommended for higher pay scale. The Hon'ble High Court also recorded it is observation that it would be pertinent to note at this stage that the recommendation of higher pay scales/upgraded pay scale as specially noticed here in above were over and above the pay scale in the General Conversion/Fitment Table furnished in chapter 4 of the Pay Commission Report and in para 15 of the Judgment State Government taken a

categories stand that recommendation as regards to upgraded scale over and above the general conversion/fitment table contained in chapter 5 of the report has been accepted and implemented but w.e.f 01.10.2011 in the light of circular dated 05.10.2011, as explained recommendation of 5.63 relates to the cadre of Senior Lab Attendant has not been upgraded/higher revised pay scale as recommended by the Commission over & above the revised pay scale has not been given to continue arbitrariness & discrimination.

- That as explained in aforesaid paras action of the department/state arbitrary, discriminatory and there is violation of Article 14 & 16 of the Constitution of India. The department/state having accepted the recommendation but not implemented as regard to revised/upgraded pay scale similar to other categories of 10300 34800+grade pay 3600/- neither w.e.f 01.06.2006 nor w.e.f 01.12.2011 as indicated in para 5.63 of the recommendation of pay commission i.e. expert body that his undertaken the intricate exercise of evaluating the relevant parameters.
- That in the judgment of Division Bench of Hon'ble Punjab & Haryana High Court in the Punjab State Cooperative Agriculture Development Bank Ltd. Vs. Punjab State Cooperative Agriculture Development Bank Pensioners Association & others 2006(3) SCT 633 held that once it is found that anomaly had arisen, it has to be removed from the date thereof. The similarly view has been expressed by the full bench of the High Court in Rajbir Singh & others Vs. HSEB & others 2009(3) SCT 543 creation of anomaly has arisen, the mistake has to be remedied in such a manner that the aggrieved party does not have any adverse effect the mistake/anomaly. This work be possible if an anomaly in pay scale is corrected retrospectively with effect from the date when the anomalous pay scale was introduced. On the other hand if the mistake/anomaly is corrected from a future date, the concerned individual will have to suffer the effect of the anomaly from the date it had arisen till the date it was remedied.

Therefore, in the given facts and before filing a writ petition in the Hon'ble High Court. I through this legal justice demand notice seek fairness in action in a judicious process. You are therefore requested to initiate the action for revision of pay scale of the SLA and all other categories by up-gradating the pay scale of 10300-34800+grade pay of Rs. 3200 with minimum of pay 13500/- w.e.f 01.12.2011 within period of one month from today otherwise after lapse of this period I have instructed to approach he Court of law.

A copy of this legal justice demand notice has been retained by me to be used in future.

Chandigarh

S.B. Nagpal
Advocate
Counsel for the petitioner

SLA/Jiboary Rostorers (4) grade equal to cloth

ਇਸ ਫੈਸਲੇ ਅਨੁਸਾਰ SLA, ਲਾਇਬ੍ਰਰੀ ਰਿਸਟੋਰਰਾਂ ਅਤੇ Junior Technician ਦਾ Pay Band 5910-20200 ਅਤੇ Grade Pay 2400 ਦੀ ਥਾਂ ਤੇ Pay Band 10300-34800 ਅਤੇ Grade Pay 3200 ਹੋ ਸਕਦਾ ਹੈ । ਜਿਸ ਨਾਲ ਮੁਢਲੀ Pay 9880 ਰੁਪਏ ਦੀ ਥਾਂ 13500 ਰੁਪਏ ਹੋ ਸਕਦੀ ਹੈ । ਰਿਕਾਰਡ ਸੁਪਰਵਾਈਜਰ Junior Assistant ਦੇ ਬਰਾਬਰ Pay Band 10300-34800 ਅਤੇ Grade Pay 3600 ਲੈ ਸਕਦੇ ਹਨ ।

आपहे उहें हो से मार्स से विकास है आपवान है चुहुं हो हो हो मनवान : गर्शवितर

ਚੰਡੀਗੜ੍ਹ, 21 ਜਨਵਰੀ (ਵਿਵੇਕ) ਪੰਜਾਬ ਸਰਕਾਰ ਵਲੋਂ 2011 ਵਿਚ ਜਾਰੀ ਨੋਟੀਫਿਕੇਸ਼ਨ ਦੇ ਚਲਦੇ ਰਿਸਟ੍ਰਗਾਂ ਤੇ ਰਿਕਾਰਡ ਸੁਪਰਕਾਈਜ਼ਰਾਂ ਦੀ ਤਨਖਾਹ ਵਿਸ਼ੇਗਤੀਆਂ ਨੂੰ ਲੈ ਕੇ ਦਾਖਲ ਪਟੀਸ਼ਨਾਂ ਦਾ ਨਿਪਟਾਰਾ ਕਰਦਿਆਂ ਹਾਈਕੋਰਟ ਨੇ ਇਸ ਸਾਮਲੇ ਵਿਚ ਮੁੱਖ ਜੱਜ ਕਲੋਂ ਮਨਦੂਰ ਹੁਕਮਾਂ ਨੂੰ ਨਾ ਮਿਨਦ 'ਤੇ ਪੰਜਾਬ ਸਰਕਾਰ ਨੂੰ ਸਖ਼ਤ ਵਟਕਾਰ ਲਗਾਈ ਹੈ। ਹਾਈਕੋਰਟ ਨੇ ਪੰਜਾਬ ਸਰਕਾਰ ਨੂੰ ਕਿਹਾ ਕਿ ਉਹ ਇਨ੍ਹਾਂ ਹੁਕਮਾਂ ਨੂੰ ਮੈਨਣ ਵਿਚ ਟਾਲਮਟੇਲ ਕਰਕ ਮੁੱਚ ਜੱਜ ਦੇ ਗਿਆਨ ਤੇ ਅਧਿਕਾਰ ਨੂੰ ਚੁਣੌਤੀ ਨਾ ਦੇਵੇ।

ਪਟੀਬਨਾਂ ਦਾ ਨਿਪਟਾਰਾ ਕਰਦਿਆਂ ਹਾਈਕੋਰਟਨ ਰਿਸਟ੍ਰੇਰਰਾਂ ਨੂੰ ਕਲਰਕਾਂ ਦੇ ਬਰਾਬਰ ਤੋਂ ਰਿਕਾਰਡ ਸੁਪਰਵਾਈਜ਼ਰਾਂ ਨੂੰ ਜੂਨੀਅਰ ਅਜਿਸਟੈਂਟਾਂ ਦੇ ਬਰਾਬਰ ਤਨਖਾਹ ਦਿੱਤੇ ਜਾਣ

ਦੇ ਹੁਕਮ ਦਿੱਤੇ ਹਨ।

ਮਾਮਲ ਵਿਚ ਪਟੀਸ਼ਨ ਦਾਇਰ ਕਰਦਿਆਂ ਰਿਸਟ੍ਰੇਗਾ ਤੇ ਰਿਕਾਰਡ ਸੁਪਰਵਾਈਜ਼ਰਾਂ ਨੇ ਕਿਹਾ ਸੀ ਕਿ ਪੰਜਾਬ ਸਰਕਾਰ ਵਲੋਂ 2011 ਵਿਚ ਤਨਪਾਹ ਵਿਚ ਵਾਧਾ ਕੀਤਾ ਗਿਆ ਸੀ ਤੇ ਜ਼ਿਸਦੇ ਰਹਿਰ ਉਸ ਸਮੇਂ ਇਕ ਹੀ ਦਰਜੇ 'ਤੇ ਮੌਜੂਦ ਰਿਕਾਰਡ ਸੁਪਰਵਾਈਜ਼ਰਾਂ, ਕਲਰਕਾਂ ਤੇ ਜ਼ੂਨੀਅਰ ਅਸਿਸਟੈਂਟਾਂ ਕਿਚ ਰਿਕਾਰਡ ਸੁਪਰਵਾਈਜ਼ਰਾਂ ਨੂੰ ਛੱਡ ਕੇ ਹੋਰ ਦੋਵਾਂ ਨੂੰ 10300-38400 ਦਾ ਪੇਅ ਬੈਂਡ ਦਿੱਤਾ

ਗਿਆ। ਉੱਥੇ ਹੀ ਦੂਸਰੇ ਪਾਸੇ 2006 ਵਿਚ ਇਕ ਹੀ ਤਨਖਾਰ 'ਤੇ ਕੰਮ ਕਰਨ ਵਾਲੇ ਰਿਸਟ੍ਰੋਰਗਾਂ ਤੇ ਕਲਰਕਾਂ ਵਿਚੋਂ ਸਿਰਫ਼ ਕਲਰਕਾਂ ਨੂੰ 3ਅਕਤੂਬਰ,2011 ਨੂੰ ਜਾਰੀ ਨੌਟੀਫਿਕੇਸ਼ਨ ਨਾਲ 10300-38400 ਦਾ ਪੇਅ ਬੈਂਡ ਦੇ

 ਕਰਮਚਾਰੀਆਂ ਦੀ ਤਨਖਾਹ ਵਧਾਉਣ ਦੇ ਫੈਸਲੇ ਨੂੰ ਸੰਵਿਧਾਨ ਦਾ ਅਨੁਛੇਦ 229 ਦਿੰਦਾ ਹੈ ਮਨਜ਼ੂਰੀ * ਹਾਈਕੋਰਟ ਦੇ ਰਿਸਟ੍ਰੋ ਰਹਾਂ ਤੇ ਰਿਕਾਰਡ ਸੁਪਰਵਾਈਜ਼ਰਾਂ ਦੀ ਤਨਖਾਹ ਵਧਾਉਣ ਦੇ ਪੰਜਾਬ ਸਰਕਾਰ ਨੂੰ ਹੁਕਮ

ਦਿੱਤਾ ਗਿਆ, ਜਦਕਿ ਉਸੇ ਪੱਧਰ 'ਤੇ ਕੰਮ ਕਰਨ ਵਾਲੇ ਰਿਸਟ੍ਰੋਰਗਾਂ ਨੂੰ ਇਸ ਦਾ ਲਾਭ ਨਹੀਂ ਦਿੱਤਾ ਗਿਆ। ਇਸ ਬਾਰੇ 'ਚ ਫੈਸਲਾ ਲੈਣ ਲਈ ਕਰਮਚਾਰੀਆਂ ਨੇ ਇਕ ਰੀਪ੍ਰੀਜ਼ੈਂਟੇਸ਼ਨ ਹਾਈਕੋਰਟ ਵਿਚ ਸੌਂਪ੍ਰੀ, ਜਿਸ 'ਤੇ ਤਿੰਨ ਜੱਜਾਂ ਦੀ ਕਮੇਟੀ ਨੇ ਫੈਸਲਾ ਲੈਂਦਿਆਂ ਪੰਜਾਬ ਸਰਕਾਰ ਨੂੰ ਕਿਹਾ ਸੀ ਕਿ ਉਹ ਰਿਸਟ੍ਰੋਰਗਾਂ ਨੂੰ ਕਲਰਕਾਂ ਦੇ ਬਰਾਬਰ ਤੋਂ ਰਿਕਾਰਡ ਸੁਪਰਵਾਈਜ਼ਗਾਂ ਨੂੰ ਕਲਰਕਾਂ ਤੇ ਜੂਨੀਅਰ ਅਸਿਸਟੇਟਾਂ ਦੇ ਬਰਾਬਰ ਤਨਖਾਰ ਦੋਣ। ਇਸ ਫੈਸਲੇ ਨੂੰ ਮਨਜ਼ੂਰੀ ਲਈ ਮੁੱਖ ਜੱਜ ਕੋਲ ਭੇਜਿਆ ਗਿਆ ਸੀ। ਮੁੱਖ ਜੱਜ ਨੇ ਸਿਵਿਧਾਨ ਵਿਚ ਅਨੁਫੋਦ 229 ਦੇ ਤਹਿਤ ਵਾਰੇ ਦੇ ਹਕਮ ਜਾਰੀ ਕੀਤੇ ਸਨ, ਬਾਵਜੂਦ ਇਸਦੇ ਸਰਕਾਰ ਨੇ ਇਨ੍ਹਾਂ ਨੂੰ ਨਹੀਂ ਮੈਨਿਆ। ਇਸ ਮਗਰੋਂ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਰਵੱਈਏ ਨੂੰ ਚਣੌਤੀ ਦਿਦਿਆਂ ਪਟੀਸ਼ਨ ਕਰਤਾ ਹਾਈਕੋਰਟ ਵਿਚ ਪਹੁੰਚੇ।ਮਾਮਲੇ ਵਿਚ ਸੁਣਵਾਈ ਦੌਰਾਨ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਗ੍ਰਹਿ ਵਿਭਾਗ ਵਲੋਂ ਹਲਫ਼ਨਾਮਾ ਦਾਇਰ ਕੀਤਾ ਗਿਆ ਕਿ ਕੈਮ ਕਰਨ ਵਾਲੇ ਕਰਮਚਾਰੀਆਂ ਦੇ ਅਹੁਦੇ ਤੇ ਉਨ੍ਹਾਂ ਦੇ ਅਹੁਦੇ ਦੀ ਪੁਕਿਰਤੀ ਅਨੁਸਾਰ ਪੇ ਸਕੈਲ ਤੇ ਪੇ ਬੈਂਡ ਅਲੱਗ ਹੁੰਦੇ ਹਨ। ਹਾਈਕੋਰਟ ਨੇ ਕਿਹਾ ਕਿ ਜੇਕਰ ਇਕ ਵਾਰ ਸਰਕਾਰ 2 ਅਹੁਦਿਆਂ ਨੂੰ ਬਰਾਬਰ ਮੈਨਦਿਆਂ ਸਮਾਨ ਤਨਖਾਹ ਦੇ ਰਹੀ ਸੀ ਤਾਂ ਅਜਿਹੇ ਵਿਚ ਹੁਣ ਕੈਮ ਦੀ ਪ੍ਰਕਿਰਤੀ ਅਨੁਸਾਰ ਉਨ੍ਹਾਂ ਨੂੰ ਅਲੱਗ-ਅਲੱਗ ਤਨਖਾਹ ਦੇਣ ਦੀ ਦਲੀਲ ਕਿੰਝ ਮੈਨੀ ਜਾ ਸਕਦੀ ਹੈ ? ਹਾਈਕੋਰਟ ਨੇ ਪੰਜਾਬ ਸਰਕਾਰ ਨੂੰ ਹੁਕਮ ਦਿੱਤੇ ਕਿ 2011 ਵਿਚ ਤਨਖਾਹ ਵਿਚ ਵਾਧੇ ਦੇ ਸਮੇਂ ਤੋਂ ਹੀ ਰਿਸਟ੍ਰੋਰਰਾਂ ਤੇ ਰਿਕਾਰਡ ਸੁਪਰਵਾਈਜ਼ਰਾਂ ਨੂੰ ਵਧੀ ਹੋਈ ਤਨਖਾਹ ਦਾ ਲਾਭ ਦਿੱਤਾ ਜਾਵੇਂ ਤੇ ਉਨ੍ਹਾਂ ਦੇ ਏਰੀਅਰ 'ਤੇ 12 ਫੀਸਦੀ ਦਾ ਵਿਆਜ ਵੀ ਦਿੱਤਾ ਜਾਵੇ।

ਹਾਈਕੋਰਟ ਕਰਮਚਾਰੀਆਂ ਦੀ ਨੌਕਰੀ ਦੀ ਸਥਿਤੀ ਦੇ ਬਾਰੇ 'ਚ ਮੁੱਖ ਜੱਜ ਵਲੋਂ ਦਿੱਤੇ ਗਏ ਹੁਕਮ ਨੂੰ ਮੇਨਣ ਲਈ ਰਾਜ ਮਜਬੂਰ ਹੈ।ਸੈਵਿਧਾਨ ਦੀ ਧਾਰਾ 229 ਦੇ ਤਹਿਤ ਮੁੱਖ ਜੱਜ ਨੂੰ ਇਹ ਅਧਿਕਾਰ ਹੈ ਕਿ ਉਹ ਆਪਣੇ ਅਧੀਨ ਆਉਣ ਵਾਲੇ ਕਰਮਚਾਰੀਆਂ ਦੀ ਸੇਵਾ ਲਈ ਨਿਯਮ ਤੈਅ ਕਰ ਸਕੇ।

ਇਸ ਮਾਮਲੇ ਵਿਚ ਨਾ ਤਾਂ ਰਾਜਪਾਲ ਵਲੋਂ ਕੋਈ ਇਤਰਾਜ਼ ਦਰਜ ਕੀਤਾ ਗਿਆ ਹੈ ਤੇ ਨਾ ਹੀ ਰਾਜ ਸਰਕਾਰ ਵਲੋਂ ਅਜਿਹਾ ਕੋਈ ਨਿਯਮ ਸਾਹਮਣੇ ਰੱਖਿਆ ਗਿਆ ਹੈ, ਜਿਸ ਦੇ ਚਲਦੇ ਇਨ੍ਹਾਂ ਹੁਕਮਾਂ ਨੂੰ ਰੋਕਿਆ ਜਾਵੇ। ਇਹ ਮੁੱਖ ਜੱਜ ਦੇ ਅਧੀਨ ਹੈ ਕਿ ਉਹ ਉੱਚ ਜ਼ਿੰਮੇਵਾਰੀਆਂ ਲਈ ਉੱਚ ਤਨਖਾਹ ਨਿਰਧਾਰਿਤ ਕਰੇ।

ਪੰਜਾਬ ਸਰਕਾਰ ਆਮ ਰਾਜ ਪ੍ਰਬੰਧ ਵਿਭਾਗ (ਸਕੱਤਰੇਤ ਅਮਲਾ-5 ਸ਼ਾਖਾ)

ਹੁਕਮ

ਵਿੱਤ ਵਿਭਾਗ ਵੱਲੋਂ ਪੱਤਰ ਨੂੰ 1/27/2019-5FPI/263-267 ਮਿਤੀ 12.2.2020 ਨੂੰ ਜਾਰੀ ਕੀਤੇ ਆਦੇਸ਼ਾ ਦੇ ਸਨਮੁੱਖ 1. CWP 4456 of 2016 and COCP 161 of 2019 kanta kumari and others case filed on 02.03.2016 (2.) In CWP 4781 of COCP 101 of 2019 Anita Sharma and anothers case filed on 04.3.2016 (3). In CWP 6354 of COCP 100 of 2019 Balwinder singh and anothers case filed on 16.3.2016 (4). In CWP 6361 of 2016 COCP 99 of 2019 Netar singh and anothers case filed on 16.3.2016 ਦੇ ਹੇਠ ਦਰਸਏ ਪਟੀਸ਼ਨਰਾਂ ਨੂੰ ਬਣਦਾ ਲਾਭ ਦਿੰਦੇ ਹੋਏ ਉਨ੍ਹਾਂ ਦੇ ਨਾਵਾ ਸਾਹਮਣੇ ਦਰਸਏ ਤਨਖ਼ਾਹ ਸਕੇਲ ਗ੍ਰੇਡ ਪੇਅ ਨੇਸ਼ਨਲ ਤੇਰ ਤੇ ਰਿਵਾਇਜਡ ਕੀਤੇ ਜਾਂਦੇ ਹਨ:-

i) CWP 4456 of 2016 and CoCp 161 of 2019 -kanta kumari and others

Sr No	Name of the Petitioners and Post	pay scale
1.	Kanta Kumari D/o Bhajna Ram (Restorer)	10300-34800+3200 GP
2.	Gurvinder Singh S/o Sh. Surjit Singh (Restorer)	10300-34800+3200 GP
3.	Dilbagh Singh S/o Sh. Gurbachan Singh (Restorer)	10300-34800+3200 GP
4	Sushil Kumar S/o Vijay Kumar. (Restorer)	10300-34800+3200 GP
5	Vikram Singh S/o Sh. Gurmail Singh(Restorer)	10300-34800+3200 GP
6	Tejinder Kaur D/o Sh. Ajaib Singh (Restorer)	10300-34800+3200 GP
,	Gurdas Singh S/o Sarwan Singh(Restorer)	10300-34800+3200 GP
3	Ramesh Chand S/o Chana Ram(Restorer)	10300-34800+3200 GP
	Gurmukh Singh S/o Sampuran Singh(Restorer)	10300-34800+3200 GP
0	Parveen Gupta D/O Bishambar Dass (Restorer)	10300-34800+3200 GP
	Meena Rani D/o Amar Nath (Restorer)	10300-34800+3200 GP



12	Rajinder Kaur D/o Ram Lai (Restorer)	10300-34800+3200 GP
13	Achhey Ial S/o Rameshwar Parshad (Restorer)	10300-34800+3200 GF
14	Harjit Singh S/o Satpal Singh (Restorer)	10300-34800+3200 GP
15	Raj Kumar s/o Amar Nath (Restorer)	10300-34800+3200 GP

ii) In CWP 4781 of CoCP 101 of 2019 -Anita Sharma and anothers

Sr No	Name of the Post of Petitioners	pay scale
1	Anita Sharma D/o Padam Nabh (Record Supervisor)	10300-34800+3200 GP
2	Amrik Kaur D/o Mehma Singh (Record Supervisor)	10300-34800+3200 GP

iii) In CWP 6354 of CoCP 100 of 2019 -Balwinder singh and anothers

Sr No	Name of the Petitioners and Post	pay scale
1 2	Balwinder Singh S/o Bhagan Singh (Painter)	5910-20200+2400.GP
2	Electrician (This post is not related to Punjab civil Secretariat)	5910-20200+2400.GP
3	Jagdeep Singh S/o Lachhman Singh (Fotedar)	5910-20200+2400.GP
4	Pradeep Kumar S/o Phona Ram (Bradma operator)	5910-20200+2400.GP
	Rajinder Kumar S/o Ram Murti (Cycle Mechanic)	5910-20200+2400.GP
	Arjan Singh Kali Ram (Gate keeper)	5910-20200+2400.GP

iv) In CWP 6361 of 2016 CoCP 99 of 2019 -Netar singh and anothers

Sr No	Name of the Petitioners and Post	pay scale
1	Netar Singh S/o Sadhu Singh (welfare and record security Incharge)	10300-34800+3600 GP
2	Ranjit Kaur D/o Jagir Singh (Asistant Librarian)	10300-34800+3200 GP
	Sarla Davi D/o, Rangi Ram (Head Gate Keeper)	5910-20200+2800.GP



4	Parkash Chand S/O Sukh ram (Head Gate Keeper)	5910-20200+2800.GP
4	Satish Kumar rana S/o Hamel Chand Rana (Book Binder)	5910-20200+2400.GP
5	Jit Singh(retd) s/o Ralla Singh (Head Gate Keeper)	5910-20200+2800.GP
6	Jarnail Singh (retd) son of Hardayal Singh (Head Gate Keeper)	5910-20200+2800.GP

ਵਿੱਤ ਵਿਭਾਗ ਵੱਲੋਂ ਪੱਤਰ ਨੂੰ 1/27/2019-5FPI/263-267 ਮਿਤੀ 12.2,2020 ਨੂੰ ਜਾਰੀ ਕੀਤੇ ਹੁਕਮਾ ਦੇ ਸਨਮੁੱਖ ਉਕਤ ਪਟੀਸ਼ਨਰਾ ਦਾ ਤਨਖਾਹ ਸਕੇਲ ਗ੍ਰੇਡ ਪੇਅ ਮਿਤੀ 1.12.2011 ਤੇ ਨੈਸ਼ਨਲ ਤੌਰ ਤੇ ਰਿਵਾਇਜਡ ਕਰਦੇ ਹੋਏ ਉਕਤ ਕੇਸਾ ਦੇ ਸਬੰਧਤ ਪਟੀਸ਼ਨਰ ਨੂੰ ਸਿਵਲ ਰਿੱਟ ਪਟੀਸ਼ਨ ਦਾਇਰ ਕਰਨ ਦੀ ਮਿਤੀ ਤੋਂ ਪਹਿਲਾ ਦੇ 38 ਮਹੀਨਿਆਂ ਤੱਕ ਦੇ ਬਣਦੇ ਬਕਾਏ ਦਿੱਤੇ ਜਾਂਦੇ ਹਨ।

ਇਹ ਪੱਤਰ ਸਕੱਤਰੇਤ ਪ੍ਰਸ਼ਾਸਨ ਵਿੱਚ ਤੈਨਾਤ ਸਹਾਇਕ ਕੰਟਰੋਲ ਵਿੱਤ ਤੇ ਲੇਖਾ ਜੀ ਪਾਸੋ ਵੈਟ ਕਰਨ ਉਪਰੰਤ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਹੈ।

ਮਿਤੀ ਚੰਡੀਗੜ 12.6.2020

ਆਲੋਕ ਸ਼ੇਖਰ, ਆਈ ਏ ਐਸ ਪ੍ਰਮੁੱਖ ਸਕੱਤਰ, ਆਮ ਰਾਜ ਪ੍ਰਬੰਧ ਵਿਭਾਗ

File No .GAD-EST50CC/5/2020-4E5 1/38321/2020

ਮਿਤੀ ਚੰਡੀਗੜ:22/6/2020

ਇਸ ਦਾ ਇੱਕ ਉਤਾਰਾ ਹੇਠ ਲਿਖਿਆਂ ਨੂੰ ਸੂਚਨਾ ਅਤੇ ਯੋਗ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ:-

- ਮਹਾਲੇਖਾਕਾਰ (ਲੇਖਾ ਤੇ ਹੱਕਦਾਰੀ)/(ਆਡਿਟ), ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ।
- ਮਹਾਂਲੇਖਾਕਾਰ (ਆਡਿਟ), ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ।
- 3. ਸਪਰਡੰਟ ਲੇਖਾ-1,2,3,4 ਅਤੇ 5 ਸ਼ਾਖਾਵਾਂ।
- 4. ਪ੍ਰਸ਼ਾਸਕੀ ਅਫਸਰ-1 ਅਤੇ 2 ਸ਼ਾਖਾਵਾਂ।
- ਸਿਵਲ ਕੰਟਰੋਲ ਰੂਮ, ਪੰਜਾਬ ਸਿਵਲ ਸਕੱਤਰੇਤ.
- ਸੁਪਰਡੰਟ ਅਮਲਾ-5 (3ਅ5)
- 7. ਸਬੰਧਤ ਕਰਮਚਾਰੀ

ਮਿਤੀ ਚੰਡੀਗੜ:22/6/2020

File No .GAD-EST50CC/5/2020-4E5 1/38321/2020

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਵਿੱਤ ਵਿਭਾਗ (ਵਿੱਤ ਪ੍ਰਸੋਨਲ-1 ਸ਼ਾਖਾ) ਨੂੰ ਉਨ੍ਹਾਂ ਦੇ ਪੱਤਰ ਨੰ: 1/27/2019-5FPI/263-267 ਮਿਤੀ 12.2.2020 ਦੇ ਹਵਾਲੇ ਵਿੱਚ ਅਗਲੇਰੀ ਕਾਰਵਈ/ ਸੂਚਨਾ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।