Chief Sanitary Inspector 31
Grade Pay ₹100-₹100 from 1-1-96

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No. 5586 of 2013(O&M)

Date of Decision: December 21 , 2015.

Rajesh Kumar

..... PETITIONER (s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sherry K.Singla, Advocate
for the petitioner.

Mr. B.M.Vinayak, DAG, Punjab.

Ms. Naiyya Gill, Advocate
for respondent No.4.

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LISA GILL, J.

For orders, see CWP No.22247 of 2012 (Gurcharan Singh and others v. State of Punjab and others) decided vide separate order of even date.

(LISA GILL)
JUDGE

December 21 , 2015.
'om'

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No. 7774 of 2015(O&M)

Date of Decision: December 21 , 2015.

Sabita Ram and others

..... PETITIONER (s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sherry K.Singla, Advocate
for the petitioners.

Mr. B.M.Vinayak, DAG, Punjab.

Mr. Vinish Singla, Advocate
for respondent No.4.

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LISA GILL, J.

For orders, see CWP No.22247 of 2012 (Gurcharan Singh and others v. State of Punjab and others) decided vide separate order of even date.

(LISA GILL)
JUDGE

December 21 , 2015.
'om'

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No. 20911 of 2013(O&M)

Date of Decision: December 21 , 2015.

Subash Chander and others

..... PETITIONER (s)

Versus

State of Punjab and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sherry K.Singla, Advocate
for the petitioners.

Mr. B.M.Vinayak, DAG, Punjab.

Mr. Sumeet Abrol, Advocate
for respondent No.4.

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LISA GILL, J.

For orders, see CWP No.22247 of 2012 (Gurcharan Singh and others v. State of Punjab and others) decided vide separate order of even date.

(LISA GILL)
JUDGE

December 21 , 2015.
'om'

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. Civil Writ Petition No. 22247 of 2012(O&M)
Date of Decision: December 21 , 2015.

Gurcharan Singh and others ..... PETITIONER(s)

Versus

State of Punjab and others ..... RESPONDENT (s)

2. Civil Writ Petition No. 5586 of 2013(O&M)

Rajesh Kumar ..... PETITIONER(s)

Versus

State of Punjab and others ..... RESPONDENT (s)

3. Civil Writ Petition No. 20911 of 2013(O&M)

Subash Chander and another ..... PETITIONER(s)

Versus

State of Punjab and others ..... RESPONDENT (s)

4. Civil Writ Petition No. 7774 of 2015(O&M)

Sabita Ram and others ..... PETITIONER(s)

Versus

State of Punjab and others ..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sherry K.Singla, Advocate
for the petitioners.

Mr. B.M.Vinayak, DAG, Punjab.

Ms. Naiya Gill, Advocate
for respondent No.4 (in CWP No.22247 of 2012 & 5586 of 2013).

Mr. Sumeet Abrol, Advocate
for respondent No.4 (in CWP No.20911 of 2013).

Mr. Vinish Singla, Advocate
for respondent No.4 (in CWP No.7774 of 2015).

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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?

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LISA GILL, J.

This order shall dispose of CWP No. 22247 of 2012 (Gurcharan Singh and others v. State of Punjab and others), CWP No.5586 of 2013 (Rajesh Kumar v. State of Punjab and others), CWP No.20911 of 2013 (Subash Chander and others v. State of Punjab and others) and CWP No.7774 of 2015 (Sabita Ram and others v. State of Punjab and others).

Prayer in these writ petitions is for quashing letter/order dated 05.09.2012 to the extent that petitioners have been denied arrears of revised pay scale of ₹5,000-8,100/- w.e.f. 01.01.1996. Petitioners in CWP No.7774 of 2015 additionally challenge order dated 07.01.2015

(Annexure P11 in the said writ petition) passed on the basis of order dated 05.09.2012.

Learned counsel for the parties are ad idem that the matter is squarely covered by decision dated 28.07.2015 in CWP No.15763 of 2013 (Rajdeep Singh v. State of Punjab and others). Petitioners therein have been held entitled to the relief claimed though arrears are directed to be restricted to 38 months prior to the date of filing of the said writ petition.

However, learned counsel for the petitioners in CWP Nos. 7774 of 2015, 22247 of 2012 and 5586 of 2013 submits that arrears to be released to the petitioners therein should not be restricted to 38 months prior to filing of the respective writ petitions as petitioners have been agitating their claim prior thereto. Petitioners in CWP Nos. 22247 of 2012 and 5586 of 2013 had earlier preferred CWP Nos. 7304 of 2012 and 7185 of 2012 respectively. These writ petitions were disposed of by this Court on 23.4.2012 directing the respondents to decide the representations submitted by the petitioners therein. Their representations were decided by the respondents vide order dated 5.9.2012 while placing them in the pay scale of ₹5000-8100 as prayed by them but no arrears were paid to them. Aggrieved therefrom, present

writ petitions have been preferred by them.

The petitioners in CWP No. 7774 of 2015 have been agitating their claim since the year 2004. They filed CWP No. 5573 of 2007 which was admitted. When relief was granted by the State to the petitioners in CWP Nos.7185 of 2012 and 7304 of 2012 a Civil Miscellaneous Application No. 17657 of 2013 was moved in C.W.P. No. 11753 of 2004 for decision of this writ petition which was ultimately disposed of on 15.01.2014 as having been rendered infructuous (Annexure P9 in CWP No. 7774 of 2015) while observing that denial of arrears would lend a fresh cause of action to the petitioners, leaving it open to the petitioners to seek their remedy. Their representation for arrears was rejected vide impugned order dated 07.01.2015 (Annexure P-11 in CWP No. 7774 of 2015).

This Court in CWP No. 15419 of 2001 (Jagdev Singh and others v. State of Punjab and others) passed the following order:-

> "Learned counsel for the petitioners submitted that the petitioners are working on the post of work supervisors-sanitary supervisors in Municipal Corporation, Bathinda. Though the other similarly situated employees have been granted

the pay scales of ₹ 1500-2640 from 01.01.1986 and revised pay scales of ₹5100-8100 from 01.01.1996 but the petitioners have been denied the same benefit. The aforesaid scales to the other employees were granted vide order dated 05.09.2012 passed by the Secretary, Department of Local Government, Punjab, in view of a direction given by this Court in writ petitioners filed by other work supervisors working in the Municipal Corporation, Bathinda, in the year 2012. The petitioners had filed the present writ petition in the year 2001 and had been working on the posts since 1992 and 1995. The other employees who had approached this Court in the year 2012 have been directed to be paid the enhanced pay scales with effect from the date of order passed by the Government. As the petitioners had approached this Court in the year 2001, they are entitled to the arrears as well up to the period of 38 months from the date of filing of the writ petition.

Let the cases of the petitioners be also examined by the Government and the order passed thereon be placed before the Court before

the next date of hearing.

Adjourned to 28.01.2013."

The respondents released the arrears due to the said petitioners for a period of 38 months prior to the filing of the above said writ petition which was ultimately disposed of on 1.3.2013. It is after considering the entire facts and circumstances of the case that this Court on 28.7.2015 directed arrears to be released to the petitioner in Rajdeep Singh's case (C.W.P. No.15763 of 2013) restricted to 38 months prior to the filing of the writ petition. It is in this factual matrix, that learned counsel for the petitioners submits that arrears paid to the petitioners in the said three writ petitions should be restricted to 38 months prior to the filing of the earlier writ petitions i.e. CWP Nos. 7185 of 2012, 7304 of 2012 and 11753 of 2004 filed by the petitioners in CWP Nos. 5586 of 2013, 22247 of 2012 and 7774 of 2015.

Learned counsel for the respondents are unable to deny the above said factual position.

In view of the above, the petitioners in CWP Nos. 22247 of 2012 , 5586 of 2013 and 7774 of 2015 are held entitled to arrears for a period of 38 months prior to the filing of their previous writ petitions as mentioned above. Petitioners in CWP No. 20911 of 2013 are entitled to arrears

for 38 months prior to the filing of the present writ petition.

The above said writ petitions are disposed of accordingly.

(LISA GILL)
JUDGE

21.12.2015
om/rupi