

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.8242 of 2011 (O&M)

Date of Decision: 26.08.2011

Sucha Singh & Ors.

. . . . Petitioners

VS.

State of Punjab & Anr.

. . . . Respondents

CORAM : HON'BLE MR.JUSTICE SURYA KANT

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?

Present: Mr. Gurminder Singh, Advocate for the petitioner

Ms. Sudeepti Sharma, DAG Punjab

SURYA KANT, J. (ORAL)

- (1). The petitioners No.1 to 4, 6 to 11, 14&15 and husband of petitioners No.5,12&13 are/were serving in the Agriculture Department, Government of Punjab as Agriculture Development Officers. They seek a direction for the grant of revised pay-scales w.e.f. 01.01.1986 along with consequential benefits as has been granted to other similarly-situated employees who approached this Court in **CWP No.457 of 1995 (Prem Singh Gill and others v. State of Punjab)** which was allowed on 29.09.2006 and the LPA No.94 of 2007 preferred by the State of Punjab against the said judgement has also been dismissed.

- (2). Learned counsel for the parties are *ad idem* that the issue involved herein has been broadly dealt with by this Court in **CWP No.9855 of 2009 (Balbir Singh v. State of Punjab & another)** decided on 17.03.2010 and while relying upon the decision rendered in **Prem Singh Gill and others'** case (supra), it has been held as follows:-

“Having heard learned counsel for the parties at some length, I am of the considered view that once the action of the respondents in restricting the benefit of revised pay-scales w.e.f. 01.01.1991 as against 01.01.1986 has been held to be in conflict with Articles 14 & 16 of the Constitution, the objection raised by the respondents against entertainment of this writ petition at a belated stage is inconsequential as the respondents cannot be allowed to take undue advantage of their unconstitutional action. A Writ Court in any case is not precluded from entertaining a belated claim, if it otherwise merits acceptance. The cardinal principle in such like cases would be to strike balance by restricting the retrospectivity of the consequential benefits.

- (3). *For the reasons afore-stated, the writ petitions are allowed in part; the impugned Circular dated 18.09.1992 (Annexure P1) qua the petitioners is also quashed with the following directions, which have been consented to by their respective learned counsel also:-*

- I. the petitioners shall be entitled for the grant of revised pay-scales w.e.f. 01.01.1986 instead of 01.01.1991. However, they shall not be entitled to the arrears of pay for the period from 01.01.1986 to 31.12.1990;*

II. the pay of the petitioners shall be notionally fixed and their pension/other retiral benefits shall be revised accordingly.

III. the petitioners, however, shall be entitled to the arrears of revised pension with effect from their respective dates of retirement(s).

IV. the petitioners who are still in service shall not be entitled to the arrears of pay (w.e.f. 01.01.1986) but their pay shall be notionally fixed and the consequential arrears and/or revised pay shall be paid to them w.e.f. 01.01.2010 onwards only.

The needful shall be done as early as possible and preferably within a period of six months from the date of receipt of a certified copy of this order.”

- (4). The writ petition is accordingly disposed of in terms of **Balbir Singh's** case (supra) as reproduced above.
- (5). Ordered accordingly. **Dasti**.

26.08.2011
vishal shonkar

(S u r y a K a n t)
Judge