
(2012) 05 P&H CK 0105
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 4740 of 1991

Bakhshish Singh, Inspector, P.R. 86, Ist. Commando
Battalion, PAB, Bahadurgarh, Patiala and others

APPELLANT

Vs

The State of Punjab and others

RESPONDENT

Date of Decision : 01-05-2012

Acts Referred:

Citation : (2012) 05 P&H CK 0105

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : D.S. Patwalia and Mr. Vivek Sharma, for the Appellant; S.S. Sahu, AAG, Punjab, for the Respondent

Judgement

K. Kannan, J.—In C.W.P. No. 4940 of 1991, all the petitioners are police personnel, who have claimed that there existed anomalies in fixation of pay scales and they had been unjustly denied the benefit of parity of scales with persons working in other departments and doing lesser functions but who have come by higher scales. The petitioners, therefore, had sought that the scales of pay of the petitioners, who were working as Inspectors in the Police Department shall be fixed in the scale of pay of Rs. 2000-3500/- and for Sub Inspectors, they should be fixed in a pay scale of Rs. 1800-3200/- and for Assistant Sub Inspector, the scales of pay shall be Rs. 1500-2640/-. In C.W.P. No. 4741 of 1991, the only additional issue is that there were persons in the Police Department working as Head Constables, who were seeking for pay scales of Rs. 1350-2400/- and Constables seeking for pay scales of Rs. 1200-2199/-. The contention in reply is that any anomaly in the fixation of pay scales, shall be a subject of consideration before expert bodies like Pay Commissions and the Court shall not entertain the writ petition to fix what the appropriate scales of pay shall be. The contention, therefore, is that no intervention could be made and the writ petitions must be dismissed. During the pendency of the writ petitions, this Court has passed an order on 19.03.2004 directing the State counsel to take appropriate instructions to find out whether any committee has been constituted

to look into the several demands made by the police personnel including the subject matter in the writ petition. Evidently no decision has been taken but additional affidavit had been filed through the Assistant Inspector General of Police, Sh. Varinder Kumar on 07.04.2004. Learned Counsel appearing on behalf of the petitioner will point out to the fact that in the said affidavit, it has been considered that there existed serious anomalies in the pay scales of police personnel with the scales of civilian counterparts. In the affidavit, the Government has stated that the Government of Punjab (Anomalies Committee Branch) had been requested by letter dated 05.11.1998 that the Constables could be given pay scales of Rs. 3330-6200/- w.e.f. 01.01.1996 at par with Wild Safeguards and the Government had also directed to be sent with the historical background starting from the 1st pay Commission and copies of representations made by the Department before the 4th Pay Commission and the Anomalies Committee. The affidavit admits to a situation that the Anomalies existed and they were sought to be corrected through references to expert bodies but till the time when even the additional affidavit was filed in the year 2004, no final decision had been taken. The Home Department Punjab recorded the fact on 02.12.2002 that it was considering the matter of amendment of the pay scales of officials to be left to the next Pay Commission and that the anomalies would be placed before the next Pay Commission. It is contended by the counsel for the petitioner that the anomalies have so far not been removed and all the petitioners have now been superannuated.

2. The counsel for the petitioner states that the State Government has itself revised the scales of pay for police personnel by a decision taken on 15.12.2011 and has announced this decision to be applied prospectively w.e.f. 01.12.2011. According to the Learned Counsel appearing for the petitioner, it is admission of the fact of unfairness in the manner of fixation of pay scales for police personnel till the decision was taken on 15.12.2011 and the petitioners cannot be left high and dry in not being given the benefit of appropriate consideration by the State to redress their grievances.

3. The limit of Court interference for determination of pay scales is too well known to be restated here. If the Government itself has stated in the counter that it had been contemplating to secure appropriate scales by putting it before the Anomalies Committee and the Pay Commission but they could not take final decision till all the petitioners had actually completed the respective service in the Police Department, the justice would be met if the State itself takes an appropriate decision at their level. If the State Government could determine the appropriate scales on 15.12.2011 and to apply prospectively, there is simply no reason why the State cannot take a decision for all the persons in the Police Department in various categories for whom the writ petitions had been filed. The appropriate decision shall be taken to consider the issue of appropriate scales that could have been granted by assessing the scales in other departments which had like duties and if such a decision is to higher pay scale, the same shall be released to the petitioners. In the event of such higher scales, to the extent it

will have a bearing on the retiral benefits of the persons in the various categories of Police Department, the same shall be ordered to be released within appropriate time. The decision of the State shall be taken within a period of 4 months from the date of receipt of copy of the order and communicated to the petitioners. The State shall be at liberty to call for representations from bodies of persons, who fall in the various categories for whom the writ petitions had been filed and entrust it to any expert body for a decision. It is most desirable that the decision does not brook any further delay since the State has allowed itself fairly a long time of more than two decades for the matter to drift without taking any definite decision as regards the same. With these observations, the writ petitions are disposed of.