
(2001) 09 P&H CK 0098
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 7114 of 2000

Brij Lal and Another

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 20-09-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 09 P&H CK 0098

Hon'ble Judges : Swatanter Kumar, J;S.S. Nijjar, J

Bench : Division Bench

Advocate : Anu Chatrath, for the Appellant; P.S. Chhina, D.A.G., for the Respondent

Judgement

S.S. Nijjar, J.—We have heard the learned counsel for the parties at length.

2. The petitioners have challenged the order dated 4.4.2000, Annexure P-7, wherein it has been held that on verification it has been found that the petitioners were not entitled for promotion or for the one additional increment which was granted to them with effect from 3.11.1989. The other grievance of the petitioners with regard to the grant of pay scale of Rs. 1350-2400/- with effect from 1.1.1986 no longer survives as a Division Bench of this Court on 13.2.1996 in C.W.P. No. 15920 of 1995 has already directed that the revised pay scale shall be granted with effect from 1.1.1986 instead of 3.11.1989. It has been made clear that the arrears of the difference of pay scale will not be paid but the employees will be entitled to all other consequential benefits.

3. In the writ statement it has been pleaded that the pay of the petitioners have been fixed with effect from 1.1.1986 and the arrears of the revised pay scale have been given to the petitioners with effect from 3.11.1989 onwards by respondent No. 3. It is also pleaded that the petitioners are not entitled to get the pay scale of Rs. 1350-2400/- as claimed by them in paragraph 11 of the writ petition as they are not senior persons as per the State Level Seniority List issued by respondent No. 2. In paragraph 13 of the writ petition it was pleaded

that promotion granted by order dated 27.1.1998 has been withdrawn without observing the principle of natural justice. However, in the very next paragraph of the petition it is admitted by the petitioners that show cause notice was issued to the petitioners and the order Annexure P-7 has been passed after taking into consideration the reply submitted by them.

4. A perusal of order Annexure P-7 shows that in view of the notification of the Punjab Government dated 3.5.1991, designation of the petitioners was changed to Technician Grade-III with effect from 3.11.1989. At that time their designation was mentioned as "promoted post" in place of "placement post". Due to this mistake, the petitioners were granted one additional increment second time by order dated 15.4.1999 with effect from 27.1.1998. It is only this mistake which has been corrected. In view of the above, it becomes evident that no further relief can be granted to the petitioners. The petitioners are at liberty to seek their remedy under the Industrial Disputes Act, 1947, or under the Payment of Wages Act, 1936, as stated in the preliminary objection to the written statement filed by respondent Nos. 1 to 3. It is, however, made clear that no recovery shall be effected from the petitioners on account of any amount paid to the petitioners on the basis of additional increment wrongly granted to them.

5. Petition disposed of. No costs.

6. Order accordingly.