
(2010) 03 P&H CK 0295
In the Punjab And Haryana At Chandigarh

Paramjit Singh, Gallery Assistant, Arms Gallery and Others	APPELLANT
Vs	
State of Punjab and Another	RESPONDENT

Date of Decision : 12-03-2010

Acts Referred:

Citation : (2010) 03 P&H CK 0295

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Augustine George Masih, J.—The prayer in the present writ petition is for issuance of writ in the nature of mandamus directing respondents to grant the revised pay scale of Rs. 5800-8100 granted to other similarly situated officials of the same cadre with same pay scales, working in the same Department on the same post in order to remove anomaly and discrimination and further to grant arrears with effect from 01.01.2006.

2. Counsel for the petitioners contends that the petitioners are working as Gallery Assistants in the Department of Cultural Affairs, Archaeology and Museums, Punjab. A co-employee, namely, Shri Jaswinder Singh, preferred C.W.P. No. 4400 of 1997, claiming therein the same benefit as has been prayed for by the petitioners in the present writ petition. The said writ petition came up for hearing before this Court on 22.10.1997. A Division Bench of this Court on considering the claim of the petitioner and hearing respondents, was pleased to allow the said writ petition. The petitioners in the present writ petition are now claiming the same benefit as has been granted in the said writ petition, i.e., C.W.P. No. 4400 of 1997. A copy of the Judgment dated 22.10.1997 is appended as Annexure-P-1 with the present writ petition. He further contends that the said Judgment has attained finality as the same was not challenged by the Department and had been implemented, qua Jaswinder Singh. He on this basis prays for grant of same benefit as in C.W.P. No. 4400 of 1997 titled as Jaswinder Singh v. Secretary to Government, Punjab, Cultural Affairs, Archaeology Tourism

and Anr. decided on 22.10.1997.

3. Counsel for respondents on the other hand contends that the Judgment qua Jaswinder Singh was implemented as a personal measure qua him and thus the relief was restricted to him alone. She on this basis contends that the claim of the petitioners cannot be granted.

4. I have heard counsel for the parties and have gone through the records of the case.

5. A perusal of the petition and assertions, which have been referred to above on behalf of counsel for the petitioner has not been disputed by respondents in their written statement. No distinction has been drawn with regard to the post, nature of work, department or in any manner distinguishing the claim of the petitioners with that of Jaswinder Singh (petitioner in C.W.P. No. 4400 of 1997).

6. Counsel for respondents has also not been able to distinguish the claim of the petitioners from that of Jaswinder Singh. The respondents have unnecessarily forced the petitioners to approach this Court, which could have easily been avoided when the respondents have accepted and implemented the judgment of this Court dated 22.10.1997 in C.W.P. No. 4400 of 1997 (Annexure-P-1).

7. I am, thus, of the opinion that the claim of the petitioners is covered by a Division Bench Judgment of this Court in C.W.P. No. 4400 of 1997 titled as Jaswinder Singh v. The Secretary to Government, Punjab, Cultural Affairs, Archaeology Tourism, and Anr. decided on 22.10.1997.

8. The present writ petition is accordingly allowed in same terms as in C.W.P. No. 4400 of 1997 titled as Jaswinder Singh v. The Secretary to Government, Punjab, Cultural Affairs, Archaeology Tourism and Anr. decided on 22.10.1997. The petitioners are held entitled to same benefits, arrears shall, however, be restricted to three years prior to the date of filing of the present writ petition.