

(2013) 11 P&H CK 0048
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 17632 of 2011 (O and M)

Rulda Ram

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 15-11-2013

Acts Referred:

Citation : (2014) 1 LLJ 539

Hon'ble Judges : Ajay Tewari, J

Bench : Single Bench

Judgement

Ajay Tewari, J.—The petitioner joined the service as Pump Operator on 1.1.1992 on daily wages. During his service, he filed a writ petition claiming the minimum of the regular pay scale which was admittedly allowed. As per the rules, he should have been relieved on 30.4.2010 because he was to attain the age of superannuation in April 2010. However, by some oversight (and not any malfeasance attributed to him), he was allowed to continue up to 31.3.2011. It was in these circumstances, he filed the present writ petition praying for the following relief"s: ...for the issuance of a writ in the nature of certiorari or such other appropriate writ, order or directions quashing the letter dated 3.5.2011 and 4.7.2011 (P-4 and P-7), whereby the petitioner has been directed to deposit the salary for the month of May 2010 to February 2011 despite the fact that the petitioner had actually worked for the said period, as patently illegal, arbitrary, mala fide, unconstitutional and violative of the principle of natural justice and settled law that the salary is not a bounty and the same has been paid for having actually worked;

AND further directing the respondents to pay remaining salary of the petitioner for the month of March 2011 for the period as he has also performed his duties, payment of other retiral benefits such as DCRG, leave encashment, GPF, arrears of revised pay scale w.e.f. 1.1.2006 to 31.3.2011 as per letter dated 3.11.2009 (Annexure P-6), arrears of DA enhanced w.e.f. January 2011 along with payment of interest for the delay.

On 27.8.2013, the following order was passed:

The only surviving issue in the case is the prayer of the petitioner for payment of arrears on account of revision of pay scale w.e.f. 30.04.2010 viz. the date on which the petitioner was supposed to retire. Learned DAG seeks a short adjournment to get instructions in this regard.

Adjourned to 15.11.2013.

2. Counsel for the respondents has placed on record an affidavit of Kulbir Singh Dhanju, XEN, Water Supply and Sanitation Division No. 2, Patiala on behalf of respondents No. 1 to 3.

3. The only surviving claim, as per counsel for the petitioner, is that though pay of the petitioner has been fixed at the minimum of the revised pay scale w.e.f. 1.1.2006 and his GPF outstanding has been computed on that basis, yet arrears on account of revision of pay scale have not been given to him w.e.f. 1.1.2006 till 30.4.2010. In my opinion, this prayer is unexceptionable. The argument that the petitioner was not entitled to arrears because he was not in the regular service cannot be accepted, since what the petitioner is claiming is not arrears in the regular pay scale but arrears in the minimum of the regular pay scale. Consequently, this prayer is also allowed and the respondents are directed to compute the arrears due to the petitioner w.e.f. 1.1.2006 till 30.4.2010 at the minimum of the revised pay scale and release the same to him within three months from the date of receipt of a certified copy of this order failing which the petitioner would be entitled to claim the same with interest @ 8% p.a. from the date/s the amount/s fell due till the date of payment. The impugned order whereby recovery from the salary of the petitioner from 1.5.2010 to 31.3.2011 was ordered is set aside. Petition stands disposed off.

No order as to costs.