

ਨੰ: 01/04/2023-1ਐਫ.ਪੀ.1/192-199

ਪੰਜਾਬ ਸਰਕਾਰ  
ਵਿੱਤ ਵਿਭਾਗ  
(ਵਿੱਤ ਪ੍ਰਸੋਨਲ-1 ਸ਼ਾਖਾ)

ਮਿਤੀ, ਚੰਡੀਗੜ੍ਹ: 30 ਅਗਸਤ, 2023

ਸੇਵਾ ਵਿਖੇ,

ਸਮੂਹ ਵਿਸ਼ੇਸ਼ ਮੁੱਖ ਸਕੱਤਰ, ਵਧੀਕ ਮੁੱਖ ਸਕੱਤਰ, ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ,  
ਪ੍ਰਮੁੱਖ ਸਕੱਤਰ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ,  
ਪੰਜਾਬ ਰਾਜ ਦੇ ਸਮੂਹ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ,  
ਰਜਿਸਟਰਾਰ, ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ,  
ਸਮੂਹ ਜਿਲ੍ਹਾ ਤੇ ਸੈਸ਼ਨਜ਼ ਜੱਜ,  
ਸਮੂਹ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰਜ਼  
ਸਮੂਹ ਸਬ ਡਵੀਜ਼ਨਲ ਮਜਿਸਟ੍ਰੇਟ ਅਤੇ  
ਸਕੱਤਰ, ਪੰਜਾਬ ਵਿਧਾਨ ਸਭਾ ਸਕੱਤਰੇਤ।

ਵਿਸ਼ਾ:- ਮਾਨਯੋਗ ਹਾਈਕੋਰਟ ਵੱਲੋਂ CWP No. 17064 of 2017- ਅਜੈ ਕੁਮਾਰ ਸਿੰਗਲਾ ਅਤੇ ਹੋਰ ਵਿੱਚ  
ਮਿਤੀ 16.02.2023 ਨੂੰ ਕੀਤੇ ਹੁਕਮਾਂ ਦੇ ਆਧਾਰ ਤੇ ਵੱਖ-ਵੱਖ ਕੋਰਟ ਕੇਸਾਂ ਵਿੱਚ ਕੀਤੇ ਜਾ ਰਹੇ  
ਫੈਸਲਿਆਂ ਸਬੰਧੀ (ਬਾਬਤ ਹਦਾਇਤਾਂ ਮਿਤੀ 15.01.2015 ਅਨੁਸਾਰ ਪਰਖਕਾਲ ਸਮੇਂ ਦੌਰਾਨ  
ਬੱਝਵੀਂ ਤਨਖਾਹ ਦੇਣ ਸਬੰਧੀ)।

ਹਵਾਲਾ- ਵਿੱਤ ਵਿਭਾਗ ਦੀਆਂ ਹਦਾਇਤਾਂ ਪੱਤਰ ਨੰ: 01/04/2023-1ਐਫ.ਪੀ.1/151-158 ਮਿਤੀ  
12.06.2023 ਦੀ ਲਗਾਤਾਰਤਾ ਵਿੱਚ (ਨਾਲ ਨੱਥੀ)।

ਸ਼੍ਰੀਮਾਨ ਜੀ,

ਮੈਨੂੰ ਆਪ ਦਾ ਧਿਆਨ ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਅਤੇ ਹਵਾਲੇ ਅਧੀਨ ਜਾਰੀ ਹਦਾਇਤਾਂ ਵੱਲ ਦਿਵਾਉਂਦੇ ਹੋਏ  
ਇਹ ਲਿਖਣ ਦੀ ਹਦਾਇਤ ਹੋਈ ਹੈ ਕਿ ਪੰਜਾਬ ਸਰਕਾਰ ਵੱਲੋਂ ਜਾਰੀ ਨੋਟੀਫਿਕੇਸ਼ਨ ਪੱਤਰ ਮਿਤੀ 15.01.2015 ਨੂੰ  
(ਪਰਖਕਾਲ ਸਮੇਂ ਦੌਰਾਨ ਬੱਝਵੀਂ ਤਨਖਾਹ (fixed emoluments) ਦੇਣ ਬਾਰੇ) ਮਾਨਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ  
ਹਾਈਕੋਰਟ ਵਿੱਚ ਵੱਖ-ਵੱਖ ਕੋਰਟ ਕੇਸਾਂ ਰਾਹੀਂ ਚੈਲਿੰਜ ਕਰਦੇ ਹੋਏ ਰਿੱਟ ਪਟੀਸ਼ਨਾਂ ਦਾਇਰ ਕੀਤੀਆਂ ਜਾ ਰਹੀਆਂ ਹਨ  
ਅਤੇ ਮਾਨਯੋਗ ਹਾਈਕੋਰਟ ਵੱਲੋਂ ਸਿ.ਰਿ.ਪ. ਨੰ. 17064 ਆਫ 2017 ਕੇਸ ਵਿੱਚ ਮਿਤੀ 16.02.2023 ਨੂੰ ਪਾਸ ਕੀਤੇ  
ਹੁਕਮਾਂ ਦੇ ਆਧਾਰ ਤੇ ਹੁਣ ਹੋਰ ਰਿੱਟ ਪਟੀਸ਼ਨਾਂ Allow ਕੀਤੀਆਂ ਜਾ ਰਹੀਆਂ ਹਨ।

2. ਵਿੱਤ ਵਿਭਾਗ ਵੱਲੋਂ ਮਾਨਯੋਗ ਹਾਈਕੋਰਟ ਦੇ ਉਕਤ ਹੁਕਮਾਂ ਮਿਤੀ 16.02.2023 ਰਾਹੀਂ Allow  
ਰਿੱਟ ਪਟੀਸ਼ਨਾਂ ਵਿੱਚੋਂ ਸਿ.ਰਿ.ਪ. ਨੰ. 31056 ਆਫ 2018- ਅਨੀਤਾ ਅਤੇ ਹੋਰ ਬਨਾਮ ਪੰਜਾਬ ਸਰਕਾਰ ਅਤੇ ਹੋਰ  
ਵਿੱਚ ਮਾਨਯੋਗ ਸੁਪਰੀਮ ਕੋਰਟ ਆਫ ਇੰਡਿਆ ਵਿੱਚ SLP diary no. 27201 of 2023 ਦਾਇਰ ਕੀਤੀ ਹੋਈ ਹੈ।  
ਜਿਸਦੀ ਅਗਲੀ ਸੁਣਵਾਈ ਮਿਤੀ 04.09.2023 ਨੂੰ ਮੁੱਕਰਰ ਹੈ।

3. ਇਸ ਲਈ ਸਮੂਹ ਪ੍ਰਬੰਧਕੀ ਵਿਭਾਗਾਂ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਮਾਨਯੋਗ ਹਾਈਕੋਰਟ ਵੱਲੋਂ ਵੱਖ-  
ਵੱਖ ਕੋਰਟ ਕੇਸਾਂ ਵਿੱਚ ਹੁਕਮਾਂ ਮਿਤੀ 16.02.2023 ਦੇ ਆਧਾਰ ਤੇ Allow ਕੀਤੇ ਜਾ ਰਹੇ ਕੇਸਾਂ ਵਿੱਚ ਸਬੰਧਤ  
ਵਿਭਾਗਾਂ ਵੱਲੋਂ SLP ਦਾਇਰ ਕਰਨ ਲਈ ਬਣਦੀ ਕਾਰਵਾਈ ਤੁਰੰਤ ਅਮਲ ਵਿੱਚ ਲਿਆਂਦੀ ਜਾਵੇ।

4. ਇਸ ਤੋਂ ਇਲਾਵਾ ਮੁੜ ਸਪੱਸ਼ਟ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਜੇਕਰ ਪ੍ਰਬੰਧਕੀ ਵਿਭਾਗ ਕਿਸੇ ਕੋਰਟ ਕੇਸ ਵਿੱਚ  
ਪਾਰਟੀ ਨਹੀਂ ਹਨ ਜਾਂ ਸਿਰਫ ਉਹਨਾਂ ਦੇ ਵਿਭਾਗ ਅਧੀਨ ਆਉਂਦੇ ਪੀ.ਐਸ.ਯੂ./ਬੋਰਡ/ਕਾਰਪੋਰੇਸ਼ਨ/ਖੁਦਮੁਖਤਿਆਰ  
ਅਦਾਰਿਆਂ ਆਦਿ ਨੂੰ ਪਾਰਟੀ ਬਣਾਇਆ ਗਿਆ ਹੈ ਤਾਂ ਵਿੱਤ ਵਿਭਾਗ ਦੀਆਂ ਹਦਾਇਤਾਂ ਮਿਤੀ 28.09.2021 (ਨਾਲ

ਨੱਥੀ) ਅਨੁਸਾਰ ਸਬੰਧਤ ਵਿਭਾਗਾਂ ਵੱਲੋਂ ਆਪਣੇ ਆਪ ਨੂੰ ਬਤੌਰ ਪਾਰਟੀ implead ਕਰਨ ਸਬੰਧੀ ਕਾਰਵਾਈ ਤੁਰੰਤ ਅਮਲ ਵਿੱਚ ਲਿਆਂਦੀ ਜਾਵੇ ਅਤੇ ਇਹਨਾਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਅਗਲੇਰੀ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ।

5. ਇਹਨਾਂ ਹਦਾਇਤਾਂ ਦੀ ਇੰਨ-ਬਿੰਨ ਪਾਲਣਾ ਕਰਨੀ ਯਕੀਨੀ ਬਣਾਈ ਜਾਵੇ।

  
(ਰਾਜ ਕੁਮਾਰ)

ਉੱਪ ਸਕੱਤਰ, ਵਿੱਤ

ਪਿੱਠ ਅੰਕਣ ਨੰ: 01/04/2023-1ਐਫ.ਪੀ.1/ 200-202

ਮਿਤੀ, ਚੰਡੀਗੜ੍ਹ: 30 ਅਗਸਤ, 2023

ਇਸ ਦਾ ਇੱਕ ਉਤਾਰਾ ਹੇਠ ਲਿਖਿਆਂ ਨੂੰ ਸੂਚਨਾ ਅਤੇ ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਲਈ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ:-

- (1) ਵਿਸ਼ੇਸ਼ ਪ੍ਰਮੁੱਖ ਸਕੱਤਰ/ਮੁੱਖ ਮੰਤਰੀ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ।
- (2) ਓ.ਐਸ.ਡੀ./ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ।
- (3) ਨਿੱਜੀ ਸਕੱਤਰ/ਸਕੱਤਰ, ਪ੍ਰਸ਼ੋਨਲ ਵਿਭਾਗ।



ਉੱਪ ਸਕੱਤਰ, ਵਿੱਤ

ਮੀਮੇ ਨੰ: 01/04/2023-1ਐਫ.ਪੀ.1/ 203

ਮਿਤੀ, ਚੰਡੀਗੜ੍ਹ: 30 ਅਗਸਤ, 2023

ਉਪਰੋਕਤ ਦਾ ਇੱਕ ਉਤਾਰਾ Directorate of Public Enterprises and Disinvestment, Punjab ਨੂੰ ਭੇਜਦੇ ਹੋਏ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਇਹ ਹਦਾਇਤਾਂ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਸਮੂਹ ਪੀ.ਐਸ.ਯੂ./ਬੋਰਡ/ਕਾਰਪੋਰੇਸ਼ਨ/ਖੁਦਮੁਖਤਿਆਰ ਅਦਾਰਿਆਂ ਆਦਿ ਨੂੰ ਭੇਜਦੇ ਹੋਏ ਇਹਨਾਂ ਹਦਾਇਤਾਂ ਦੀ ਇੰਨ-ਬਿੰਨ ਪਾਲਣਾ ਕਰਨੀ ਯਕੀਨੀ ਬਣਾਈ ਜਾਵੇ।

  
ਉੱਪ ਸਕੱਤਰ, ਵਿੱਤ

ਨੰ: 01/04/2023-1ਐਫ.ਪੀ.11/51-158

ਪੰਜਾਬ ਸਰਕਾਰ  
ਵਿੱਤ ਵਿਭਾਗ  
(ਵਿੱਤ ਪ੍ਰਸੋਨਲ-1 ਸ਼ਾਖਾ)

ਮਿਤੀ, ਚੰਡੀਗੜ੍ਹ: 12 ਜੂਨ, 2023

ਸੇਵਾ ਵਿਖੇ,

ਸਮੂਹ ਵਿਸ਼ੇਸ਼ ਮੁੱਖ ਸਕੱਤਰ, ਵਧੀਕ ਮੁੱਖ ਸਕੱਤਰ, ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ,  
ਪ੍ਰਮੁੱਖ ਸਕੱਤਰ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ,  
ਪੰਜਾਬ ਰਾਜ ਦੇ ਸਮੂਹ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ,  
ਰਜਿਸਟਰਾਰ, ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ,  
ਸਮੂਹ ਜਿਲ੍ਹਾ ਤੇ ਸੈਸ਼ਨਜ਼ ਜੱਜ,  
ਸਮੂਹ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰਜ਼  
ਸਮੂਹ ਸਬ ਡੀਵੀਜਨਲ ਮਜਿਸਟ੍ਰੇਟ ਅਤੇ  
ਸਕੱਤਰ, ਪੰਜਾਬ ਵਿਧਾਨ ਸਭਾ ਸਕੱਤਰੇਤ।

ਵਿਸ਼ਾ:- CWP No. 17064 of 2017 ਐਂਡ ਕਨੈਕਟਡ ਕੇਸਾਂ (ਬਾਬਤ ਹਦਾਇਤਾਂ ਮਿਤੀ 15.01.2015 ਅਨੁਸਾਰ ਪਰਖਕਾਲ ਸਮੇਂ ਦੌਰਾਨ ਬੱਝਵੀਂ ਤਨਖਾਹ ਦੇਣ ਸਬੰਧੀ) ਵਿੱਚ ਮਿਤੀ 16.02.2023 ਨੂੰ ਮਾਨਯੋਗ ਹਾਈਕੋਰਟ ਵੱਲੋਂ ਕੀਤੇ ਗਏ ਫੈਸਲੇ ਸਬੰਧੀ।

ਸ਼੍ਰੀਮਾਨ ਜੀ,

ਮੈਨੂੰ ਆਪ ਦਾ ਧਿਆਨ ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਵੱਲ ਦਿਵਾਉਂਦੇ ਹੋਏ ਇਹ ਲਿਖਣ ਦੀ ਹਦਾਇਤ ਹੋਈ ਹੈ ਕਿ ਪੰਜਾਬ ਸਰਕਾਰ ਵੱਲੋਂ ਸਿੱਧੀ ਭਰਤੀ ਦੇ ਕੋਟੇ ਦੀਆਂ ਖਾਲੀ ਪਈਆਂ ਵੱਖ-ਵੱਖ ਕੈਟਾਗਰੀਜ਼ ਦੀਆਂ ਅਸਾਮੀਆਂ ਤੇ ਨਿਯੁਕਤ ਕੀਤੇ ਜਾਣ ਵਾਲੇ ਕਰਮਚਾਰੀਆਂ/ਅਧਿਕਾਰੀਆਂ ਦੀ ਨਿਯੁਕਤੀ ਸਬੰਧੀ ਕੁੱਝ ਸੇਵਾ ਸ਼ਰਤਾਂ ਵਿੱਚ ਸੋਧ ਕਰਨ ਲਈ ਵਿੱਤ ਵਿਭਾਗ ਵੱਲੋਂ ਜਾਰੀ ਨੋਟੀਫਿਕੇਸ਼ਨ ਪੱਤਰ ਮਿਤੀ 15.01.2015 ਅਨੁਸਾਰ ਪੰਜਾਬ ਸਿਵਲ ਸੇਵਾਵਾਂ ਨਿਯਮਾਵਲੀ, ਜਿਲਦ-1, ਭਾਗ-1 ਦੇ ਸਬੰਧਤ ਰੂਲਾਂ ਵਿੱਚ ਸੋਧ ਕੀਤੀ ਗਈ ਸੀ।

2. ਜਿਸ ਅਨੁਸਾਰ ਇਹ ਉਪਬੰਧ ਕੀਤੇ ਗਏ ਸਨ ਕਿ ਸਿੱਧੀ ਭਰਤੀ ਰਾਹੀਂ ਨਿਯੁਕਤ ਹੋਣ ਵਾਲੇ ਕਰਮਚਾਰੀਆਂ/ਅਧਿਕਾਰੀਆਂ ਨੂੰ ਪਰਖਕਾਲ ਸਮੇਂ ਦੌਰਾਨ ਬੱਝਵੀਂ ਤਨਖਾਹ (fixed emoluments) ਦਿੱਤੀ ਜਾਵੇਗੀ ਜੇ ਕਿ ਉਸ ਕਰਮਚਾਰੀ ਦੀ ਨਵੀਂ ਅਸਾਮੀ ਤੇ ਮਿਲਣ ਵਾਲੇ ਪੇ-ਬੈਂਡ ਦੇ ਘੱਟੋ-ਘੱਟ ਤਨਖਾਹ (Minimum of the Pay Band) ਦੇ ਬਰਾਬਰ ਹੋਵੇਗੀ ਅਤੇ ਪਰਖ ਕਾਲ ਸਮੇਂ ਦੌਰਾਨ ਉਸ ਨੂੰ ਗਰੇਡ ਪੇ, ਸਲਾਨਾ ਤਰੱਕੀ ਜਾਂ ਹੋਰ ਕੋਈ ਭੱਤੇ, ਸਿਵਾਏ ਸਫ਼ਰੀ ਭੱਤੇ ਦੇ, ਮਿਲਣਯੋਗ ਨਹੀਂ ਹੋਣਗੇ। ਪਰਖ ਕਾਲ ਦਾ ਸਮਾਂ ਸਫਲਤਾਪੂਰਵਕ ਮੁਕੰਮਲ ਹੋਣ ਤੇ ਉਸ ਨੂੰ ਉਸ ਅਸਾਮੀ ਤੇ ਮਿਲਣਯੋਗ ਪੇ-ਬੈਂਡ ਦੀ ਘੱਟੋ-ਘੱਟ ਤਨਖਾਹ, ਸਮੇਤ ਗਰੇਡ-ਪੇ, ਤੋਂ ਸ਼ੁਰੂ ਕਰਦੇ ਹੋਏ ਪੂਰੇ ਭੱਤੇ ਮਿਲਣਯੋਗ ਹੋਣਗੇ।

3. ਸਰਕਾਰ ਦੀਆਂ ਇਹ ਹਦਾਇਤਾਂ ਵੱਖ-ਵੱਖ ਕੋਰਟ ਕੇਸਾਂ ਰਾਹੀਂ ਮਾਨਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ ਵਿਖੇ ਚੈਲਿੰਜ ਕੀਤੀ ਗਈਆਂ ਸਨ। ਜਿਸ ਵਿੱਚ ਸਿ.ਰਿ.ਪ. ਨੰ. 17064 ਆਫ 2017 ਕੇਸ ਵਿੱਚ ਮਾਨਯੋਗ ਹਾਈਕੋਰਟ ਵੱਲੋਂ ਮਿਤੀ 16.02.2023 ਨੂੰ ਹੁਕਮ ਪਾਸ ਕਰਦੇ ਹੋਏ ਇਹ ਸਮੂਹ ਰਿੱਟ ਪਟੀਸ਼ਨਾਂ Allow ਕਰ ਦਿੱਤੀਆਂ ਗਈਆਂ ਹਨ ਪ੍ਰੰਤੂ ਸਰਕਾਰ ਵੱਲੋਂ ਇਹਨਾਂ ਹੁਕਮਾਂ ਵਿਰੁੱਧ ਅੱਗੇ ਐਸ.ਐਲ.ਪੀ. ਦਾਇਰ ਕਰਨ ਦਾ ਫੈਸਲਾ ਲਿਆ ਗਿਆ ਹੈ ਕਿਉਂ ਜੋ ਅਜਿਹੇ ਕੇਸਾਂ ਵਿੱਚ ਸਰਕਾਰ ਵੱਲੋਂ ਪਹਿਲਾਂ ਦਾਇਰ ਕੀਤੀ ਗਈ ਐਸ.ਐਲ.ਪੀ.ਜ ਪਹਿਲਾਂ ਹੀ ਮਾਨਯੋਗ ਅਪੈਕਸ ਕੋਰਟ ਦੇ ਵਿਚਾਰ ਅਧੀਨ ਹਨ।

4. ਇਸ ਲਈ ਸਮੂਹ ਪ੍ਰਬੰਧਕੀ ਵਿਭਾਗਾਂ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਮਾਨਯੋਗ ਹਾਈਕੋਰਟ ਵੱਲੋਂ ਆਪਣੇ ਹੁਕਮਾਂ ਮਿਤੀ 16.02.2023 ਰਾਹੀਂ Allow ਕੀਤੀ ਸਮੂਹ ਰਿੱਟ ਪਟੀਸ਼ਨਾਂ ਜਿਹਨਾਂ-ਜਿਹਨਾਂ ਪ੍ਰਬੰਧਕੀ ਵਿਭਾਗਾਂ ਅਤੇ ਉਹਨਾਂ ਅਧੀਨ ਆਉਂਦੇ ਪੀ.ਐਸ.ਯੂ./ਬੋਰਡ/ਕਾਰਪੋਰੇਸ਼ਨ/ਖੁਦਮੁਖਤਿਆਰ ਅਦਾਰਿਆਂ ਆਦਿ ਨਾਲ ਸਬੰਧਤ ਹਨ, ਉਹਨਾਂ ਵੱਲੋਂ ਸਬੰਧਤ ਰਿੱਟ ਪਟੀਸ਼ਨਾਂ ਵਿੱਚ SLP ਦਾਇਰ ਕਰਨ ਦੀ ਕਾਰਵਾਈ ਤੁਰੰਤ ਅਮਲ ਵਿੱਚ ਲਿਆਂਦੀ ਜਾਵੇ। (ਅਜਿਹੇ ਇੱਕ ਕੋਰਟ ਕੇਸ ਵਿੱਚ SLP ਦਾਇਰ ਕਰਨ ਲਈ ਵਿੱਤ ਵਿਭਾਗ ਵੱਲੋਂ ਤਿਆਰ ਕੀਤਾ ਗਿਆ ਐਡੀਡੇਵਿਟ (Annexure-1) ਜਾਣਕਾਰੀ ਲਈ ਨਾਲ ਨੱਥੀ ਹੈ)

5. ਮਾਨਯੋਗ ਹਾਈਕੋਰਟ ਵੱਲੋਂ Allow ਕੀਤੀ ਗਈਆਂ ਜਿਹਨਾਂ Bunch of Writ Petitions ਵਿੱਚ ਜੇਕਰ ਪ੍ਰਬੰਧਕੀ ਵਿਭਾਗ ਪਾਰਟੀ ਨਹੀਂ ਹੈ ਜਾਂ ਸਿਰਫ ਉਹਨਾਂ ਦੇ ਵਿਭਾਗ ਅਧੀਨ ਆਉਂਦੇ ਪੀ.ਐਸ.ਯੂ./ਬੋਰਡ/ਕਾਰਪੋਰੇਸ਼ਨ/ਖੁਦਮੁਖਤਿਆਰ ਅਦਾਰਿਆਂ ਆਦਿ ਨੂੰ ਪਾਰਟੀ ਬਣਾਇਆ ਗਿਆ ਹੈ ਤਾਂ ਵਿੱਤ ਵਿਭਾਗ ਦੀਆਂ ਹਦਾਇਤਾਂ ਮਿਤੀ 28.09.2021 (ਨਾਲ ਨੱਥੀ) ਅਨੁਸਾਰ ਅਤੇ ਪ੍ਰਸ਼ਾਸਕੀ ਜਿੰਮੇਵਾਰੀਆਂ ਨੂੰ ਧਿਆਨ ਵਿੱਚ ਰੱਖਦੇ ਹੋਏ ਸਬੰਧਤ ਪ੍ਰਬੰਧਕੀ ਵਿਭਾਗਾਂ ਵੱਲੋਂ ਆਪਣੇ ਆਪ ਨੂੰ ਬਤੌਰ ਪਾਰਟੀ implead ਕਰਨ ਸਬੰਧੀ ਕਾਰਵਾਈ ਤੁਰੰਤ ਅਮਲ ਵਿੱਚ ਲਿਆਂਦੀ ਜਾਵੇ ਅਤੇ ਇਹਨਾਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਅਗਲੇਰੀ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ। Bunch of Writ Petitions ਦੀ ਲਿਸਟ Annexure-2 ਨਾਲ ਨੱਥੀ ਹੈ।

6. ਜੇਕਰ ਪ੍ਰਬੰਧਕੀ ਵਿਭਾਗਾਂ ਵਿੱਚ ਇਸ ਮਾਮਲੇ ਸਬੰਧੀ ਕੋਈ ਲੀਗਲ ਨੋਟਿਸ/ਅਰਜੀ ਜਾਂ ਰਿੱਟ ਪਟੀਸ਼ਨ ਪ੍ਰਾਪਤ ਹੋਈ ਹੈ ਤਾਂ ਐਸ.ਐਲ.ਪੀ. ਦਾਇਰ ਹੋਣ ਦਾ ਵੇਰਵਾ ਦਰਜ ਕਰਕੇ ਉਸ ਲੀਗਲ ਨੋਟਿਸ/ਅਰਜੀ/ਰਿੱਟ ਪਟੀਸ਼ਨ ਵਿੱਚ ਸ਼ਾਰਟ ਨੋਟ/ਜਵਾਬਦਾਵਾ ਤਿਆਰ ਕਰ ਲਿਆ ਜਾਵੇ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਜੇਕਰ ਕਿਸੇ ਨੁਕਤੇ ਤੇ ਵਿੱਤ ਵਿਭਾਗ ਦੀ ਸਲਾਹ ਲੋੜੀਂਦੀ ਹੋਵੇ ਤਾਂ ਸਪੱਸ਼ਟ ਤਜਵੀਜ਼ ਤਿਆਰ ਕਰਕੇ ਵਿੱਤ ਵਿਭਾਗ ਨੂੰ ਭੇਜੀ ਜਾਵੇ।

7. ਇਹਨਾਂ ਹਦਾਇਤਾਂ ਦੀ ਇੰਨ-ਬਿੰਨ ਪਾਲਣਾ ਕਰਨੀ ਯਕੀਨੀ ਬਣਾਈ ਜਾਵੇ।

8. ਇਹ ਪੱਤਰ ਸਮਰੱਥ ਅਥਾਰਟੀ ਦੀ ਪ੍ਰਵਾਨਗੀ ਉਪਰੰਤ ਜਾਰੀ ਕੀਤਾ ਜਾਂਦਾ ਹੈ।



(ਜਸਵਿੰਦਰ ਸਿੰਘ)

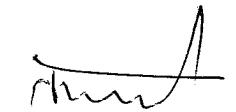
ਅਧੀਨ ਸਕੱਤਰ, ਵਿੱਤ

ਪਿੱਠ ਅੰਕਣ ਨੰ: 01/04/2023-1ਐਫ.ਪੀ.1/159-161

ਮਿਤੀ, ਚੰਡੀਗੜ੍ਹ: 12 ਜੂਨ, 2023

ਇਸ ਦਾ ਇੱਕ ਉਤਾਰਾ ਹੇਠ ਲਿਖਿਆਂ ਨੂੰ ਸੂਚਨਾ ਅਤੇ ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਲਈ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ:-

- (1) ਵਧੀਕ ਮੁੱਖ ਸਕੱਤਰ/ਮੁੱਖ ਮੰਤਰੀ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ।
- (2) ਸਕੱਤਰ/ਮੁੱਖ ਸਕੱਤਰ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ।
- (3) ਨਿੱਜੀ ਸਕੱਤਰ/ਸਕੱਤਰ, ਪ੍ਰਸ਼ਾਸਕੀ ਵਿਭਾਗ।

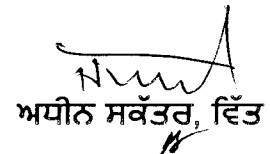


ਅਧੀਨ ਸਕੱਤਰ, ਵਿੱਤ

ਮੀਮੇ ਨੰ: 01/04/2023-1ਐਫ.ਪੀ.1/162

ਮਿਤੀ, ਚੰਡੀਗੜ੍ਹ: 12 ਜੂਨ, 2023

ਉਪਰੋਕਤ ਦਾ ਇੱਕ ਉਤਾਰਾ Directorate of Public Enterprises and Disinvestment, Punjab ਨੂੰ ਭੇਜਦੇ ਹੋਏ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਇਹ ਹਦਾਇਤਾਂ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਸਮੂਹ ਪੀ.ਐਸ.ਯੂ./ਬੋਰਡ/ਕਾਰਪੋਰੇਸ਼ਨਾਂ/ਖੁਦਮੁਖਤਿਆਰ ਅਦਾਰਿਆਂ ਆਦਿ ਨੂੰ ਭੇਜਦੇ ਹੋਏ ਇਹਨਾਂ ਹਦਾਇਤਾਂ ਦੀ ਇੰਨ-ਬਿੰਨ ਪਾਲਣਾ ਕਰਨੀ ਯਕੀਨੀ ਬਣਾਈ ਜਾਵੇ।



ਅਧੀਨ ਸਕੱਤਰ, ਵਿੱਤ

IN THE SUPREME COURT OF INDIA  
ORIGINAL CIVIL APPELLANT JURISDICTION  
SLP (C) NO-----2023  
IN  
CWP No 31056 of 2018

State Of Punjab & Others

Petitioners

Versus

Anita and Another

Respondents

I, Jaswinder Singh, Under Secretary Govt of Punjab, Department of Finance, Punjab do hereby solemnly affirm and State as Under:

1. That I have been duly authorized to file this affidavit in support of SLP and interlocutory applications.
2. I say that I have gone through the contents of SLP List of Dates/Application for Stay/Delay/Exemption application. I say that the facts stated therein are true and correct to my knowledge derived from the record of the case.
3. I further say as under:- List of Date B.-----Drawn on:----- SLP Pages---- SLP para I to----- . Total pages I to \_\_\_\_ .
4. That the annexure appended to this petition are true and correct to my knowledge to their respective original.
5. I say that the petitioner have not filed such or similar SLP against the impugned order of the High Court so far in this Hon'ble Court.

DEPONENT  
Under Secretary  
Punjab Civil Secretariat

VERIFICATION:-

Verified at -----on this ---- day of -----2023 that the content above affidavit are true and correct to my knowledge as per material has been kept concealed herein.

DEPONENT  
Under Secretary  
Punjab Civil Secretariat

PLAINTNAMA  
(SCR order IV Rule 18)  
IN THE SUPREME COURT OF INDIA  
ORIGNAUCIVIUAPPELLANT JURISDICTION  
SLP (C) NO-----2023  
IN  
CWP No 31056 of 2018

State Of Punjab & Others

Petitioners

Versus

Anita and Another

Respondents

I, Jaswinder Singh, Under Secretary Govt of Punjab, Department of Finance , Punjab on behalf of Governor of Punjab the Respondents in above case do hereby appoint and retain ----- advocate on record for the State of Punjab in the Supreme Court of India to act and appear for respondents in the SLP on behalf respondents to conduct and deemed the same and all proceeding that may be taken in respect of an application connected with the same of any decree or orders passed therein including proceedings and application to file and obtain/ return of documents and to deposit and receive money on behalf of respondents in the said case and to take all necessary steps on behalf of the respondents in the above matters. The Governor of Punjab agree to rectify all the facts done by the Advocate in pursuance of this authority dated this the ----- day of ----- 2023.

Department of Finance  
Appellants/Petitioners/Respondents/Caveator  
Under Secretary  
Punjab Civil Secretariat

To

The Registrar,  
Supreme Court of India,  
New Delhi.

Sir,

Please enter my appearance on behalf of the Petitioner(s)/Appellant (s)/Respondent(s) Opposite Parties/intervener in the New Delhi

Dated this the -----day of -----2020

Dated -----2023

Yours Faithfully,  
Advocate for the  
Appellants/Petitioners/Respondents

## GROUNDS OF APPEAL

1. That, in the CWP No. 31056 of 2018 titled as Anita and another Vs State of Punjab and others filed before the Hon'ble Punjab and Haryana High Court, Chandigarh vide which respondents/petitioners sought to quash the Notification dated 15.01.2015 issued by State of Punjab on the ground that the instructions with regard to fixed emoluments to be drawn by government employees during the period of probation are arbitrary, unreasonable and contrary to the principle of equivalence and natural justice.
2. That, the operative part of the judgment dated 16-02-2023 passed by the Hon'ble Punjab and Haryana High Court in the bunch matter is reproduced as follows :-

'.... Accordingly, the Writ Petitions are allowed as under:

- (a) Notification No.7/204/2012-4FP1/60 dt.15.01.2015 having already been quashed in Gurwinder Singh and others (1 supra) and Dr. Vishavdeep Singh and others (4 Supra), there is no need to quash it again;
- (b) Clarification No.7/204/2012-4FP.1/166 dt.15.01.2015 and notification GSR.3/Const/Article 309/AMD.(5)/2015 dt.22.12.2015 to the extent they held that during period of probation or if increase in such period of probation, only fixed emoluments shall be paid to the employee, which shall be equal to the minimum of pay band of the service or post to which he is appointed and shall not include Grade Pay, Special Pay, Annual Increment or any other allowance except Travelling Allowance and further directing that the period of probation shall not be treated to

be the time spent on the time scale applicable to his post, are quashed;

- (c) Any conditions included in appointment letters issued to petitioners on the basis of the above notifications, are also quashed;
- (d) The respondents are directed to grant to the petitioners the regular pay scale along with all other emoluments, allowances etc. from the date of their initial appointment and pay the arrears within three months from today;
- (e) The respondents are directed to count the period spent on probation as regular services for the purpose of determination of the total length of service under the Service Rules.
- (f) The validity of the notification No. GSR.56/Const./Art.309/AMD.(18)/2016 dated.05.09.2016 regarding period of Probation issued by the State of Punjab is left open for consideration in an appropriate case.

3. That, the Hon'ble Punjab and Haryana High Court passed the judgment dated 16.02.2023 vide which the claim of the respondents/petitioners in the writ petition has been Allowed and the Notifications dated 15.01.2015 and 22.12.2015 issued on the ground of financial constraints of the State, has been quashed without appreciation of the facts and law. The Hon'ble Court has erred in not considering the fact that the concept of equal pay for equal work is not an absolute and sacro-sanct concept and even if the duties, responsibilities and functions of the posts are of a similar nature, a reasonable classification can be made by the executive, which assessment is to be left to the executive. Various dimensions of are to be examined, one of them be



experience of the employees and hence, it is not necessary that same work done or same work assigned leads to delivery of same quality of work. Moreover the Hon'ble Apex court in State of Punjab Vs. Jagjit Singh & others decided in Civil Appeal No. 213 of 2013 dated 26.20.2016 has categorically held that temporary employees would be entitled to draw wages at the minimum of the pay scales. Thus, in the present case the Appellant is well within its right to draw the distinction between new entrants on probation and employees who have been in service for a long period of time.

4. It is further respectfully submitted that State of Punjab, has already preferred a Special Leave Petition No(diary no). 4762 of 2020 (Civil)–Chief Engineer/HRD Punjab State Power Corporation Limited Vs Gurwinder Singh before the Hon'ble Apex Court against the implementation of another judgment dated 13.09.2018 in question rendered in CWP No.8922 of 2017 titled as Gurwinder Singh and others Vs. State of Punjab and others. The Hon'ble Apex Court on 01-06-2020, was pleased to pass the following ad-interim order, same is being reproduced for the kind perusal of this Hon'ble Court:-

*"Exemption from filing O.T. is granted.*

*Issue notice on the special leave petitions as well as on the application for condonation of delay.*

*Mr.TanvirNayar, learned counsel accepts notice on behalf of respondent nos. 6,7,12,16, 19,20, 22,26,32,35,38,40,41,45,46,51-54,61,62,64-66,69,89,99,100, 104-109.*

*Tag with SLP (C) No. 25565/2015.*

*In the meanwhile, the contempt proceedings, if any, shall not proceeded with."*

5. That, it is relevant to mention here that, Civil Writ Petition No. 8922 of 2017 titled as Gurwinder singh and other Versus state of Punjab and others where in the petitioners have sought a writ of certiorari for quashing Clauses 2 and 3(b) of the appointment letters dated 29.02.2016 and Clause 1 of the appointment letter dated 26.02.2016 and have prayed for consequential relief in the matter of pay-scale and computation of services as probationer, was allowed vide order dated 13.09.2018. The relevant extract of order dated 13.09.2018 is reproduced herein under:-

*" We have carefully gone through the Division Bench judgment of the Rajasthan High Court in Gopal Kumawat's case supra and we respectfully agree with the same. Instead of stating in our own words, we would quote the following paragraphs from the said judgment since we also hold the same view as has been taken in the said judgment:-*

*"13. In all these judgments, the Supreme Court and the Rajasthan High Court have held that the State must act as a model employer. It cannot take undue advantage of the need of the employee, who does not have any real choice in the matter of employment due to economic compulsions. The payment of wages less than living wages which are provided by way of allowances, for employees who have been regularly selected and appointed on substantive posts, is unjust, unfair, unreasonable and violative of Article 14 of the Constitution of India. The Court acting as sentinel on the qui vive is under an obligation to prevent the contravention of the fundamental rights. Where the State has offered unfair terms of employment and the candidate accepts it taking up the job without demur, he cannot be held to have accepted the employment on such terms, which are unfair and unconstitutional.*

xxxxxxx

*33. We find the practice of payment of fixed remuneration without any allowances and benefit of increments to the*

*probationers, who were appointed after adopting the regular selection process, on substantive posts, or even after following the selection process on ad hoc basis, as well as all those employees who are appointed on substantive posts, to be wholly illegal and arbitrary, and pernicious practice of forced labour.*

*34. We find no justification for the State Government, to adopt the practice of paying fixed remuneration to the probationers, which is not prevalent, either in the Central Government, or in any other States in the country. The Government of Rajasthan has adopted this evil practice of forced labour for its employees, taking advantage of the attraction of the Government service. The Notifications dated 13.03.2006, amending the Rules, are thus, declared to be unconstitutional, being violative of Article 14, 16, 21, 23 and 38 of the Constitution of India, and against the conscience of the Constitution of India.”*

*2. As a sequel to the above findings recorded by the Rajasthan High Court, the Division Bench granted the reliefs in Paras 35 and 36 of the said judgment, which are quoted as under:-*

*“35. The writ petition is allowed. The Notification dated 13.03.2006, amending the Rajasthan Service Rules, 1951, and the Notification of the same date i.e. 13.03.2006, amending the Rajasthan Civil Services(Revised Pay Scale) Rules, 1998- Fixed remuneration to probationer trainees, are hereby quashed. The State-respondents are directed to pay the entire differential amount of regular pay scale and allowances to the petitioner, after deducting the amount of fixed remuneration paid to him during the period of probation.*

*36. Now since by this judgment, we have declared the Notification dated 13.03.2006, amending the Rajasthan Service Rules, 1951, and the Notification of the same date i.e. 13.03.2006, amending the Rajasthan Civil Services(Revised Pay Scale) Rules, 1998- Fixed remuneration to probationer trainees, to be unconstitutional and consequently quashed the same, we direct that the State Government shall, pay to all its employees, appointed on regular or ad hoc basis under the statutory Rules*

*on substantive posts, except the employees appointed on contract, daily rated or work charged employees, regular pay in time scale along with all allowances including Special Pay, Dearness Pay, Dearness Allowance, House Rent Allowance, City Compensatory Allowance, Non-Practicing Allowance, Non-Clinical Allowance, Rural Allowance, Project Allowance, Mess Allowance, Washing Allowance or any other allowance, as are admissible to a confirmed employee in the same department. The payment of these allowances will not be dependent upon the period of probation, or successful completion of the period of probation. The probationer-trainees will also be entitled to deductions towards General Provident Fund (GPF), State Insurance, and Travelling Allowance, as are admissible and payable to the regular employees. They shall also be entitled to annual grade increments for the period of probation, after confirmation and Casual Leave, as in the case of other regular employees.”*

*Since we are agree with the aforesaid judgment and since we find that the present petition cannot be adjourned sine die merely because SLP against the judgment of the Rajasthan High Court in Gopal Kumawat's case supra is pending in the Apex Court as stated by the learned counsel for the respondents. In that view of the matter, we follow the said judgment and order of the Rajasthan High Court and consequently, we make the following order:-*

#### **ORDER**

- (i) CWP No.8922 of 2017 is allowed;*
- (ii) Rule is made absolute in terms of prayer clause (i), (ii) and (iii), which are reproduced below:*

*“(i) Civil Writ Petition under Articles 226/227 of the Constitution of India with a prayer that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, including a writ in the nature of Certiorari, quashing Clause 2 and 3(b) of the appointment letters 29.02.2016 (P-8 & P-9) and Clause 1 of the appointment letter dated 26.02.2016 (P-10) as well as all*

*similar/identical appointment letters issued to each petitioner herein to the extent that the said clauses are totally illegal, arbitrary and violative of Article 14 read with Article 16 of the Constitution of India and inconsistent with the clarificatory letter dated 15.10.2015 (P-6) and 20.11.2015 (P-7) vide which the notification relied upon by the respondents for imposition of such conditions has been held to be inapplicable.*

6. That, the judgment dated 16.02.2023 passed by the Hon'ble High Court in the present case CWP-31056-2018 titled as Anita and Another Vs. State of Punjab and others is not sustainable in eyes of law.

(i) That it would not be out of place to mention here that a similar matter came up for hearing before this Hon'ble court in CWP No. 8922 of 2017, Gurwinder singh and others Vs State of Punjab and others decided on 13.09.2018. The judgment passed in Gurwinder Singh's case supra, has been challenged relying on a judgment dated 29.07.2015 passed by the Hon'ble High Court of Rajasthan in Gopal Kumawat Vs. State of Rajasthan (CWP No. 2963 of 2007) which is pending adjudication before the Hon'ble Supreme Court in Special Leave Appeal (SLP) 25565 of 2015 titled as 'State of Rajasthan and Others v. Gopal Kumawat' and the Hon'ble Supreme Court vide order dated 20.09.2016 has been pleased to direct that the contempt proceedings, shall not be proceeded with. The order dated 20.09.2016 passed by the 'Hon'ble Supreme Court has already been reproduced herein -

*" it is directed that further proceedings in Civil Contempt Petition No.1085 of 2016 in D.B. Civil Writ Petition No.2963/2007 pending before the High Court of Rajasthan shall remain stayed until further orders"*

- (ii) That it is imperative to mention here that it is a well settled principle of law that prescribing a certain pay structure is an exclusive domain of the executive wisdom in matters relating to pay structure and classification of posts being purely executive and administrative matters. Such matters may influence other policies of the Government. Moreso, this is according to the theory of Separation of Powers. It is most respectfully submitted that even when the Court finds some patent error or illegality in the decision taken by the State or its instrumentalities, the court can direct the State to reconsider the matter, within the administrative domain as has been held in catena of judgments like *Chandra v. State of Jharkhand* (2007) SCC 279, and '*Union of India Vs TVLN Mallikarjuna Rao* (2015) 3 SCC 653'.
- (iii) That, the judgment of *Rajasthan High Court in Gopal Kumawat Versus The State of Rajasthan and others (arising out of CWP No. 2963 of 2007, decided on 29.7.2018)*, which was relied upon by the Hon'ble High Court while deciding Civil Writ Petition No. 8922 of 2017 titled as *Gurwinder Singh and others Versus State of Punjab* and Civil Writ Petition No. 6391 of 2016 titled as *Dr. Vishavdeep Singh and others Versus State of Punjab and others*, is the subject matter of SLP No. 25565 of 2015 titled as *state of Rajasthan Versus Sh. Gopal Kumawat and others*, which is pending for 12.09.2023.
- (iv) That, the Hon'ble Apex Court has held that the contempt proceedings shall not be proceeded in CWP No 8922 of 2017 in SLP no 4762 of 2020.

(v) That, it would also not be out of place to mention here that if an employee raises the claim of equivalence then the burden to prove the same strictly rests with the employee.

Prayer:

It is, therefore most respectfully prayed that this Hon'ble court may graciously be pleased to :

A- Grant Special Leave to the petitioners to Appeal under Article 136 of the Constitution of India.

B- Pass such other order and direction as the circumstances of the case may require and the Hon'ble court may deem fit and proper.

Prayer for Interim relief:-

It is, therefore, most respectfully prayed that the Hon'ble Punjab and Haryana high court may graciously be pleased to:-

C- Pass an interim ex-party Stay of operation of the impugned judgment dated 16.02.2023 in C.W.P No. 31056 of 2018 titled as Anita and Another Vs. State of Punjab and Others passed by the Hon'ble Court for the State of Punjab and Haryana at Chandigarh, during the pendency of this S.L.P.

D- Pass such an order and direction as the circumstances of the case may require. This SLP may kindly be allowed and the orders dated 16.02.2023 passed in CWP No 31056 of 2018 may kindly be set aside in the interest of justice.

Any other suitable order or directions which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

Place: Chandigarh

Government Pleader Punjab

Dated:

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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1. CWP-17064-2017  
Ajay Kumar Singla & Others ..... Petitioners  
Versus  
State of Punjab and Others ..... Respondents

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2. CWP-6232-2017  
Mohammad Daud Alam and Others ..... Petitioners  
Versus  
State of Punjab and Others ..... Respondents

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3. CWP-15869-2017  
Gurcharan Singh and Others ..... Petitioners  
versus  
State of Punjab and Others ..... Respondents

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4. CWP-6062-2019  
Bickramjit Singh ..... Petitioners  
versus  
State of Punjab and Others ..... Respondents

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5. CWP-31056-2018  
Anita and another ..... Petitioners  
versus  
State of Punjab and Others ..... Respondents

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6. CWP-12522-2019  
Jaswinder Singh and Others ..... Petitioners  
versus  
State of Punjab & Another ..... Respondents

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7. CWP-31137-2018  
Kulbir Singh ..... Petitioner  
versus  
State of Punjab & Another ..... Respondents

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8. Gagandeep Bhardwaj  
versus  
State of Punjab & Others  
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CWP-31003-2018  
.... Petitioners  
.... Respondents
9. Dr. Amandeep Singh Brar & Others  
versus  
State of Punjab & Another  
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CWP-31040-2018  
.... Petitioners  
.... Respondents
10. Gagandeep & Others  
versus  
State of Punjab & Another  
\*\*\*\*  
CWP-25889-2018  
.... Petitioners  
.... Respondents
11. Navjeet Kaur & Another  
versus  
State of Punjab & Others  
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CWP-31010-2018  
.... Petitioners  
.... Respondents
12. Tara Chand  
versus  
State of Punjab & Others  
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CWP-29461-2018  
.... Petitioners  
.... Respondents
13. Chandan Kumar Singh & Others  
versus  
Guru Angad Dev Veterinary and Animal Sciences University, Ludhiana  
\*\*\*\*  
CWP-30891-2018  
.... Petitioners  
.... Respondents
14. Gurminder Singh Randhawa & Others  
versus  
State of Punjab & Others  
\*\*\*\*  
CWP-25940-2018  
.... Petitioners  
.... Respondents

15. Rajpal Singh & Others  
versus  
State of Punjab & Others  
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CWP-29351-2018  
.... Petitioners  
.... Respondents
16. Gouravjeet Singh & Others  
versus  
State of Punjab & Others  
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CWP-29355-2018  
.... Petitioners  
.... Respondents
17. Chanan Ram & Others  
versus  
State of Punjab & Others  
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CWP-31105-2018  
.... Petitioners  
.... Respondents
18. Gurpreet Singh & Others  
versus  
State of Punjab & Others  
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CWP-25919-2018  
.... Petitioners  
.... Respondents
19. Punit Gupta & Others  
versus  
State of Punjab & Another  
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CWP-4964-2019  
.... Petitioners  
.... Respondents
20. Sumitpal Kaur  
versus  
State of Punjab & Others  
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CWP-7966-2019  
.... Petitioners  
.... Respondents
21. Sukhchain Singh & Others  
versus  
State of Punjab & Others  
\*\*\*\*  
CWP-8755-2019  
.... Petitioners  
.... Respondents

- 22.** **CWP-26033-2018**  
Kulwinder Singh & Another ..... Petitioners  
versus  
State of Punjab & Others ..... Respondents  
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- 23.** **CWP-25727-2018**  
Gurwant Singh & Others ..... Petitioners  
versus  
State of Punjab & another ..... Respondents  
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- 24.** **CWP-26014-2018**  
Baljit Singh & Others ..... Petitioners  
versus  
State of Punjab ..... Respondent  
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- 25.** **CWP-28972-2018**  
Deepak Kumar & Others ..... Petitioners  
versus  
State of Punjab through Principal Secretary, Dept. of Finance & Others ..... Respondents  
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- 26.** **CWP-11788-2019**  
Urvinder Kaur ..... Petitioners  
versus  
State of Punjab & Others ..... Respondents  
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- 27.** **CWP-4573-2019**  
Simerjit Kaur & Others ..... Petitioners  
versus  
State of Punjab & Others ..... Respondents  
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- 28.** **CWP-28204-2018**  
Amandeep Kaur ..... Petitioner  
versus  
State of Punjab & Others ..... Respondents

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29.  
Kulwinder Singh & Others

**CWP-30924-2018**

.... Petitioners

versus

State of Punjab & Others

.... Respondents

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30.  
Gurmeet Singh Girn & Others

**CWP-5399-2022**

.... Petitioners

versus

State of Punjab & Another

.... Respondents

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31.  
Rajesh Chauhan & Others

**CWP-3466-2018**

.... Petitioners

versus

State of Punjab & Others

.... Respondents

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32.  
Lovepreet Singh & Another.

**CWP-25019-2017**

.... Petitioners

versus

State of Punjab & Others

.... Respondents

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33.  
Amarjit Singh & Others

**CWP-23206-2017**

.... Petitioners

versus

State of Punjab & Others

.... Respondents

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34.  
Satbir Singh & Others

**CWP-19162-2017**

.... Petitioners

versus

State of Punjab & Others

.... Respondents

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35.  
Dr. Vikramjot Singh & Others

**CWP-7834-2017**

.... Petitioners

versus

State of Punjab & Others

.... Respondents

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36. Vishavpal Goyal & Others  
versus  
State of Punjab  
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CWP-23710-2018  
.... Petitioners  
.... Respondent
37. Gurpreet Singh & Others  
versus  
State of Punjab and Others  
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CWP-13922-2017  
.... Petitioners  
.... Respondents
38. Jagtar Singh and Others  
versus  
State of Punjab and Others  
\*\*\*\*  
CWP-19909-2017  
.... Petitioners  
.... Respondents
39. Sukhjinder Kaur  
Versus  
State of Punjab and Others  
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CWP-17673-2017  
.... Petitioners  
.... Respondents
40. Chamkaur Singh and Others  
Versus  
State of Punjab and Others  
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CWP-16115-2017  
.... Petitioners  
.... Respondents
41. Ranjit Singh Dhillon & Others  
Versus  
State of Punjab and Another  
\*\*\*\*  
CWP-19910-2017  
.... Petitioners  
.... Respondents
42. Harpal Singh and Others  
versus  
State of Punjab and Others  
.... Respondents

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43. Harman Singh Rehal and Another.
- versus
- State of Punjab and Another
- \*\*\*\*
44. Gurpreet Singh and Others
- versus
- State of Punjab and Another
- \*\*\*\*
45. Ankush Jindal and Others
- versus
- State of Punjab and Another
- \*\*\*\*
46. Amritpal Singh Randhawa
- versus
- State of Punjab and Others
- \*\*\*\*
47. Navdeep Singh Chahal and Others
- versus
- State of Punjab and Others
- \*\*\*\*
48. Sushil Kumar and Others
- versus
- State of Punjab and Others
- \*\*\*\*
49. Gurvinder Singh and Others
- versus
- State of Punjab and Others
- \*\*\*\*
- CWP-27410-2017**
- .... Petitioners
- .... Respondents
- CWP-31727-2019**
- .... Petitioners
- .... Respondents
- CWP-23213-2019**
- .... Petitioners
- .... Respondents
- CWP-35879-2019**
- .... Petitioners
- .... Respondents
- CWP-33835-2019**
- .... Petitioners
- .... Respondents
- CWP-20755-2019**
- .... Petitioners
- .... Respondents
- CWP-34747-2019**
- .... Petitioners
- .... Respondents

50.		****	CWP-6404-2020
Jagjit Singh and Others			.... Petitioners
	versus		
State of Punjab and Others			.... Respondents
		****	
51.			CWP-19967-2019
Jagdeep Sangar and Others			.... Petitioners
	versus		
State of Punjab and Others			.... Respondents
		****	
52.			CWP-15642-2019
Harleen Kaur and Others			.... Petitioners
	versus		
State of Punjab and Others			.... Respondents
		****	
53.			CWP-35680-2019
Madhav Jindal and Others			.... Petitioners
	versus		
State of Punjab and Another			.... Respondents
		****	
54.			CWP-33303-2019
Partik Bansal and Others			.... Petitioners
	versus		
State of Punjab and Others			.... Respondents
		****	
55.			CWP-36464-2019
Davinder Singh and Others			.... Petitioners
	versus		
State of Punjab and Others			.... Respondents
		****	
56.			CWP-5432-2020
Gurvinder Singh and Others			.... Petitioners
	versus		
State of Punjab and Others			.... Respondents

57.	****	CWP-35332-2019
Baljinder Kaur and Another		.... Petitioners
	versus	
State of Punjab and Others		.... Respondents
	****	
58.		CWP-12100-2022
Pankaj Khatana		.... Petitioners
	versus	
State of Punjab and Others		.... Respondents
	****	
59.		CWP-13197-2020
Lovepreet Singh and Others		.... Petitioners
	versus	
State of Punjab and Others		.... Respondents
	****	
60.		CWP-26291-2022
Kirti Garg and Others		.... Petitioners
	versus	
State of Punjab and Others		.... Respondents
	****	
61.		CWP-25984-2022
Kapil Garg and Others		.... Petitioners
	versus	
State of Punjab and Others		.... Respondents
	****	
62.		CWP-18118-2022
Malkeet Singh and Others		.... Petitioners
	versus	
State of Punjab and Others		.... Respondents
	****	
63.		CWP-10346-2022
Punjab Agricultural University Teacher Association		.... Petitioners
	versus	
The Punjab Agricultural University and Others		.... Respondents



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64. Inderpal Singh and Others  
versus  
State of Punjab and Others
- \*\*\*\*
65. Harbinder Singh and Others  
versus  
State of Punjab and Others
- \*\*\*\*
66. Saurabh Nath & Others  
versus  
State of Punjab and Others
- \*\*\*\*
67. Sandeep Vinayak & Others  
versus  
State of Punjab and Others
- \*\*\*\*
68. Revenue Union Irrigation Department Punjab  
versus  
State of Punjab and Others
- \*\*\*\*
69. Prabhjot Singh & Others  
versus  
State of Punjab and Others
- \*\*\*\*
70. Bakshish Singh and Others  
versus  
State of Punjab and Others
- \*\*\*\*
- CWP-11260-2022**  
.... Petitioners  
.... Respondents
- CWP-1729-2018**  
.... Petitioners  
.... Respondents
- CWP-3061-2018**  
.... Petitioners  
.... Respondents
- CWP-1728-2018**  
.... Petitioners  
.... Respondents
- CWP-3579-2018**  
.... Petitioners  
.... Respondents
- CWP-3354-2018**  
.... Petitioners  
.... Respondents
- CWP-6584-2018**  
.... Petitioners  
.... Respondents

71.		<b>CWP-1681-2018</b>
Sarbjit Singh & Others		.... Petitioners
	versus	
State of Punjab and Others		.... Respondents
	****	
72.		<b>CWP-2476-2018</b>
Mandeep Singh and Others		.... Petitioners
	versus	
State of Punjab and Others		.... Respondents
	****	
73.		<b>CWP-7958-2018</b>
Ajay Singh and Others		.... Petitioners
	versus	
State of Punjab and Others		.... Respondents
	****	
74.		<b>CWP-6735-2018</b>
Joginder Pal		.... Petitioners
	versus	
State of Punjab and Others		.... Respondents
	****	
75.		<b>CWP-1713-2018</b>
Harmanpreet Singh and Others		.... Petitioners
	versus	
State of Punjab and Others		.... Respondents
	****	
76.		<b>CWP-1696-2018</b>
Maninder Kaur & Others		.... Petitioners
	versus	
State of Punjab and Others		.... Respondents
	****	
77.		<b>CWP-5354-2018</b>
Varinder Kumar and Others		.... Petitioners
	versus	
State of Punjab and Others		.... Respondents
	****	

78. **CWP-3332-2018**  
Amandeep Joshi and Others  
.... Petitioners  
versus  
State of Punjab and Others  
.... Respondents  
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79. **CWP-16779-2018**  
Jagdeep Singh and Others  
.... Petitioners  
versus  
State of Punjab and Others  
.... Respondents  
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80. **CWP-6888-2018**  
Manpreet Singh Etc.  
.... Petitioners  
versus  
State of Punjab and Others  
.... Respondents  
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81. **CWP-3052-2018**  
Rohit Mehra & Others  
.... Petitioners  
versus  
State of Punjab  
.... Respondents  
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82. **CWP-3353-2018**  
Bhim Singh and Others  
.... Petitioners  
versus  
State of Punjab and Others  
.... Respondents  
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83. **CWP-24420-2017**  
Sukhpreet Singh and Others  
.... Petitioners  
versus  
State of Punjab and Another  
.... Respondents  
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84. **CWP-6045-2018**  
Tejinder Singh and Others  
.... Petitioners  
versus  
State of Punjab and Others  
.... Respondents  
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85.

Gurjinder Singh and Others

versus

State of Punjab and Others

**CWP-1106-2018**

.... Petitioners

.... Respondents

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86.

Amandeep Chaudhary and Others

versus

State of Punjab and Others

**CWP-3862-2018**

.... Petitioners

.... Respondents

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87.

Manpreet Singh & Others

versus

State of Punjab and Others

**CWP-3352-2018**

.... Petitioners

.... Respondents

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88.

Jasbir Singh and Others

versus

State of Punjab and Others

**CWP-6443-2018**

.... Petitioners

.... Respondents

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89.

Gunbir Singh Saini and Others

versus

State of Punjab and Others

**CWP-4146-2018**

.... Petitioners

.... Respondents

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90.

Sandeep Singh and Others

versus

Chandigarh Administration and Others

**CWP-5877-2018**

.... Petitioners

.... Respondents

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91.

Amandeep Singh and Others

versus

State of Punjab and Others

**CWP-3244-2018**

.... Petitioners

.... Respondents

92.	****	<b>CWP-4542-2021</b>
Abishek Saini and Another		.... Petitioners
	versus	
State of Punjab and Another		.... Respondents
	****	
93.		<b>CWP-20795-2020</b>
Satbir Singh and Others		.... Petitioners
	versus	
State of Punjab and Another		.... Respondents
	****	
94.		<b>CWP-22025-2020</b>
Kapil Kundra and Others		.... Petitioners
	versus	
State of Punjab and Others		.... Respondents
	****	
95.		<b>CWP-18232-2020</b>
Gurbaj Singh and Others		.... Petitioners
	versus	
State of Punjab and Another		.... Respondents
	****	
96.		<b>CWP-20515-2020</b>
Dinesh Kumar and Another		.... Petitioners
	versus	
State of Punjab		.... Respondents
	****	
97.		<b>CWP-11187-2020</b>
Chitresh		.... Petitioners
	versus	
State of Punjab and Another		.... Respondents
	****	
98.		<b>CWP-16813-2020</b>
Jagdip Singh and Others		.... Petitioners
	versus	
State of Punjab and Others		.... Respondents

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99. Lakhbir Singh Bhatti and Others **CWP-20682-2020**  
.... Petitioners

versus

State of Punjab and Others  
.... Respondents

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100. Ankush Goyal and Another **CWP-22232-2020**  
.... Petitioners

versus

State of Punjab and Others  
.... Respondents

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101. Poonam Gupta And Others **CWP-10597-2021**  
.... Petitioners

versus

State of Punjab and Others  
.... Respondents

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102. Gurloveleen Singh and Others **CWP-11771-2022**  
.... Petitioners

versus

State of Punjab and Another  
.... Respondents

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**Reserved on: 02.02.2023**

**Date of Decision: 16.02.2023**

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**CORAM: HON'BLE MR JUSTICE M.S. RAMACHANDRA RAO  
HON'BLE MRS JUSTICE SUKHVINDER KAUR**

\*\*\*\*

Present:

**FOR THE PETITIONERS**

Mr. Vikas Chatrath, Ms. Tanya Sehgal, Mr. Ujjwal Sharma,  
Mr. Nitin Kaushal, Mr. BPS Thakur & Mr. Abhishek Singla,  
Advocates (in CWP No. 17064 of 2017 and 35680 of 2019)

Mr. H.C. Arora, Advocate and  
Ms. Sunaina, Advocate (in CWP No. 6232 of 2017)

Mr. Pardeep Singh Mirpur, Advocate  
(in CWP-18118-2022, CWP-12522-2019 & CWP-13197-2020)

Ms. Kriteka Sheokand, Advocate (in CWP No. 1681, 1696,  
1713, 3332 of 2018 and 15642 of 2019)

Mr. Jatinder Nagpal, Advocate  
(in CWP-11187-2020, 25984 & 26291 of 2022)

Mr. J.P.S. Sidhu, Advocate  
(in CWP-6404-2020)

Mr. Sunil Kumar Bansal, Advocate  
(in CWP-33835-2019)

Mr. Vishal Mittal, Advocate  
(in CWP-35332-2019 and 20682-2020)

Mr. Ramesh Goyat, Advocate (in CWP No.3579 of 2018)

Mr. Abhishek Singla, Advocate  
(in CWP-6888-2018)

Mr. M.K. Bhatnagar, Advocate for  
Mr. S.K. Bawa, Advocate  
(in CWP-25889-2018)

Ms. Rajvinder Kaur, Advocate,  
( in CWP No. 7966 of 2019)

Mr. Dilraj Singh, Advocate  
(in CWPs-3244 & 26033 of 2018)

Mr. Sunny Singla and Mr. Riti Aggarwal, Advocates  
(in CWP-4573 & 8755-2019, CWP-10597-2021 and CWP-5432-2020)

Mr. L.S. Virk, Advocate (in CWP No. 36464 of 2019)

Mr. Shubham Saroha, Advocate (in CWP No. 11771 of 2022)

Mr. Satnam Chauhan, Advocate  
(in CWP-19910-2017)

Mr. Vijay Pal & Mr. Ashish, Advocates (in CWP-16779-2018)

Mr. H.S. Saini, Advocate (in CWP-24420-2017)

Mr. Gagneshwar Walia, Advocate (in CWP-15869-2017 &  
CWPs-6735 & 29461-2018)

Mr. Sehaj Bir Singh, Advocate  
for PSPCL (in CWP-19910-2017)

Mr. Hardeep Singh Dhillon, Advocate  
(in CWPs-2476 & 3466- 2018 & CWP-16813-2020)

Mr.Parvesh Kumar Saini, Advocate  
(in CWP-19909-2017, CWPs-29355, 29351, 25727, 31105-2018, CWPs-6062 & 33303-2019)

Mr. Sunil Hooda, Advocate for  
Mr. Samrat Malik (in CWPs No. 19162 of 2017, 31040, 30891 of 2018, 5399 of 2022)

Mr. Baldev Singh Maan, Advocate  
(in CWP-19967-2019, CWP-20755- 2019, CWP-35879-2019 & CWP-34747-2019)

Mr. Mohit Garg, Advocate (in CWP-27410-2017)

Mr. Puneet Gupta, Advocate  
(in CWP No.5877 of 2018)

Mr.Ravi Mishra, Advocate, for Mr. Karan Singla, Advocate (in CWP No.4146, 6443 of 2018)

Mr.Kapil Kakkar, Advocate and  
Mr. Shreesh Kakkar, Advocate (in CWP-16115-2017)

Mr.Ravi Kant Sharma, Advocate (in CWP-28972-2018)

**FOR THE RESPONDENTS**

Mr. Suvir Sidhu, Advocate and  
Mr. S.S.Gill, Advocate  
for respondents (in CWP-10346-2022)

Mr. Anil Kumar, Advocate for  
Mr. Abhilaksh Grover, Advocate  
for respondent No.2 -PSPCL (in CWP No.27410 of 2017)

Mr. Aman Sharma, Advocate,  
for respondents No.1 to 3 (in CWP-6045-2018)

Mr. Bachan Singh, Advocate for  
Mr. R.S. Cheema, Advocate  
for respondent Nos.5 to 9 (in CWP-5877-2018)

Mr. Arshdeep Bhullar, Advocate  
for respondent No.5 (in CWP-4146-2018) and  
for respondent No.4 (in CWP-6443-2018)

Mr. P.P.Rana and Ms. Madhu Dayal, Advocates  
for respondent Nos.1 to 3-UT, Chd. (in CWP-5877-2018)

Mr.Anu Chatrath, Sr. Advocate assisted by  
Ms. Divya Sharma, Advocate  
for respondent No.3/PUDA (CWP-3862-2018)



**No. 7/68/2016-3FP1/5FPPC/248**  
**GOVERNMENT OF PUNJAB**  
**DEPARTMENT OF FINANCE**  
**(FINANCE PENSION POLICY AND COORDINATION BRANCH)**

**Dated, Chandigarh: 28.09.2021**

To

- i) All Special Chief Secretaries, Additional Chief Secretaries, Financial Commissioners, Principal Secretaries and Administrative Secretaries to Government of Punjab.
- ii) All Head of Departments of the State;
- iii) All Commissioners of Divisions;
- iv) The Registrar, Punjab and Haryana High Court, Chandigarh;
- v) All Deputy Commissioners and District & Sessions Judges and;
- vi) Secretary, Punjab Vidhan Sabha.

**Subject:- Defending Court cases in which Finance Department is impleaded as party-Amended instructions.**

Sir/Madam,

In continuation of letter No. 7/68/2016-3FP1/811043/1 dated 3.8.2016 and No. 7/68/2016-3FP1/962 dated 8.7.2019 vide which instructions have already been issued for filing replies intime in cases where Department of Finance has been impleaded as party.

2. All the Administrative Departments are again requested to send draft speaking orders / replies / written statements for vetting to the Finance Department immediately after receipt of notice of motion or information received from the office of Advocate General regarding filing of the case atleast 15 working days prior to the date of hearing. In case of delay, if any adverse orders are passed by the Hon'ble Court, it will be the sole responsibility of the concerned Administrative Department. In case of delay after Advocate General's opinion, reasons for delay shall be mentioned by the concerned Administrative Department.

3. All the Administrative Departments are also requested to make assessment of the financial implications of all the Court cases, alongwith an appropriate proposal with regard to the financial feasibility and inform the Department of Finance at the time of sending the case for vetting of the reply/written statement/speaking order.

4. Delay if caused by the subordinate staff / officials should be categorically mentioned so that interest part may considered to be paid from budget of the Administrative Department and the responsibility of the erring employee shall be fixed by the Administrative Department.

5. In COCPs / CWPs and other court cases, wherever only Finance Department is a party, the Administrative Departments should move an application to be impleaded as a party so as to give a complete picture as all details are available with Administrative Departments. It is pertinent to mention here that all the concerned /

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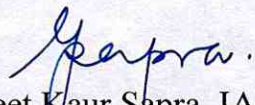
respective Administrative Departments, shall file reply / written statements in those court cases as well, where they have not been explicitly impleaded as a party.

6. In cases, where specific directions have been issued by the Hon'ble Court to consider and decide the Legal notice / representation of the petitioner, the matter shall be in all circumstances examined and decided by the Administrative Department strictly within the stipulated period as directed by the Hon'ble Court, with the consent of the Department of Finance.

It is requested that the above instructions may please be brought to the notice of all the concerned Officers / Officials for strict compliance.

This draft is being issued with the approval of Competent Authority

Yours faithfully,

  
(Gurpreet Kaur Sapra, IAS)  
Secretary, Govt of Punjab,  
Department of Finance

Endst. No. 7/68/2016-3FP1/5FPPC/ 249

Dated, Chandigarh: 28.09.2021

A copy of the above is forwarded the Private Secretary to the Chief Secretary, Government of Punjab for information.

  
Superintendent

Endst. No. 7/68/2016-3FP1/5FPPC/ 250

Dated, Chandigarh: 28.09.2021

A copy of the above is forwarded to the following for information with a request to vet the replies /written statements as and when presented by the Administrative Department on behalf of the Finance Department:-

- 1) Advocate General, Punjab.
- 2) The Advocate on record for the State of Punjab in Supreme Court of India, New Delhi.

  
Superintendent