

2025.PHHC.084326-DB



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

LPA-3330-2024 (O&M)

Date of decision: 09.07.2025

STATE OF PUNJAB & ORS.

...Appellants

Versus

JOGA SINGH

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Kuljit Singh, Addl. A.G., Punjab.

Mr. Akshit Pathania, Advocate for
Mr. Vivek K. Thakur, Advocate for respondent.

SUDHIR SINGH, J.

CM-8226-LPA-2024

For the reasons given in the application, same is allowed.

Delay of 452 days in filing the appeal is condoned.

LPA-3330-2024

Challenge in the present intra Court appeal is directed to the order dated 03.08.2023 passed by the learned Single Judge, whereby the writ petition filed by the respondent (writ petitioner) was allowed by setting aside the impugned order dated 13.03.2015 (Annexure P-6 with the writ petition) and a direction was issued to the appellants to revise the pay of the respondent, with a further direction

that any amount recovered, shall be refunded to the respondent along with interest @ 12 percent per annum. Still further, costs of Rs.20,000/- was imposed upon the appellants which was to be recovered from the erring officers.

2. Learned counsel appearing for the appellant has vehemently argued that the Department of Technical Education and Industrial Training Punjab was created on 10.06.1977 after detaching the Technical Education Wing from the Department of Punjab, P.W.D. (B&R) and the Industrial Training Wing from the Department of Industry. It is further argued that the respondent-workman was appointed as a Workshop Instructor in the Technical Education Wing of the Department on 28.07.1966 and that in the Technical Education Wing, the Workshop Instructor is promoted to the Post of Foreman Instructor, whereas in the Industrial Training Wing, the Fitter Instructor is promoted to the post of Group Instructor. It is, thus, argued that the respondent was working as Workshop Instructor in the Technical Education Wing of the Department and while, seeking the benefit of pay scale of Rs. 1800-3200 w.e.f. 01.01.1986, the respondent had misrepresented himself to be as ex Fitter Instructor. It is also argued that while passing the impugned order, the learned Single Judge, did not take into consideration the aforesaid aspect of the matter and, thus, the impugned order is liable to be set aside.

3. On the other hand, learned counsel appearing for the respondent, while defending the impugned order passed by the learned Single Judge has vehemently argued that once the respondent was granted the benefit of the pay scale and that too in compliance with

the judgment of this Court, the benefit so granted could not have been withdrawn by the appellants.

4. We have heard learned counsel for the parties and have also gone through the paper book, including the impugned order.

5. The only question that arises for consideration by this Court is whether the impugned order passed by the learned Single Judge, requires any interference.

6. Indisputably, the respondent retired from service on attaining the age of superannuation on 28.02.2003. The salary of the respondent was fixed in the pay scale of Rs.1800-3200 vide order dated 28.03.2013 pursuant to the decision of this Court, whereby the benefit of the aforesaid pay scale was granted to the Craft Instructors w.e.f. 01.01.1986. Though it is the stand of the appellants that the respondent was not entitled to the aforesaid pay scale, yet it could not be pointed out as to when the pay scale was granted to the respondent in compliance with the judgment passed by this Court, how such benefit could be allowed to be withdrawn without any variation or alteration in the judgment granting the aforesaid benefit. The only stand of the appellants, as has been noticed by the learned Single Judge was that the benefit so granted to the respondent was withdrawn under the verbal orders of the authority. We find that there is no merit in the stand taken by the appellants. The learned counsel for the appellants could not point out the legal basis for withdrawing the benefit granted to the respondent. We further find that the learned Single Judge, is perfectly justified in holding that the pay scale already granted to the employees, who had retired could not be taken

away on the basis of the verbal instructions.

7. At this stage, the learned counsel appearing for the appellant argues that imposition of costs of Rs.20,000/- by the learned Single Judge, is totally unjustified. However, we find no merit in the said argument as well. The learned Single Judge, has taken into consideration the stand taken by the appellants in their written statement as also the affidavits filed in the writ petition. As the learned Single Judge has found that the benefit extended to the respondent was withdrawn on the basis of verbal orders but the authorities/officers who had issued the said verbal directions were unknown, therefore, costs of Rs.20,000/- ordered to be recovered from the erring Officers, cannot be said to be illegal or unjustified.

8. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

9. Pending application(s), if any, shall also stand disposed of.

**[SUDHIR SINGH]
JUDGE**

**[ALOK JAIN]
JUDGE**

09.07.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No