



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

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**CM-1560-LPA-2025 in/and  
LPA-592-2025  
Date of decision :26.08.2025**

**Surinder Pal Sharma**

**... Appellant**

**Versus**

**The State of Punjab and others**

**...Respondent**

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL  
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Sahil, Advocate for the appellant.

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**Anupinder Singh Grewal, J. (Oral)**

**CM-1560-LPA-2025**

This is an application seeking condonation of delay of 10 days in preferring the appeal.

Issue notice to the respondents.

At the asking of the Court, Ms. Arundhati Kulshreshtha, AAG Punjab accepts notice on behalf of respondent-State and submits that she has no objection if the delay is condoned.

Heard.

For the reasons stated in the application, same is allowed and the delay of 10 days in preferring the appeal is condoned.

**LPA-592-2025**



The appellant has challenged the judgment of the Single Bench dated 13.12.2024 passed in CWP-5010-2018, whereby his writ petition seeking the benefit of pay protection has been dismissed.

2. Learned counsel for the appellant submits that the appellant had been working as a Junior Assistant with the Abohar Co-operative Spinning and Sugar Mills for a period of about 21 years. He along with other employees was retrenched as the staff was declared surplus. The appellant had been appointed as a Data Entry Operator with respondent No.4 in the year 2011 and therefore, he was entitled to the benefit of pay protection. He has relied upon the judgment of the Division Bench of this Court in **RA No.538 of 1999 in CWP-2483-1999** titled as **Pawan Kumar Dutta and others Vs. State of Punjab and others** decided on 28.09.1999 and in the case of **Satbir Singh Vs. State of Haryana, 2002(2) SCT 354**.

3. Heard.

4. The appellant is stated to have worked with the Abohar Co-operative Spinning and Sugar Mills for a period of about 21 years and in 2003 he was retrenched after the staff was declared surplus. He had been appointed with respondent No.4-Ferozepur Central Co-operative Bank Limited in pursuance to the advertisement issued by respondent No.3-Punjab State Co-operative Bank Limited in the year 2011. He had worked for 04 years till his superannuation in the year 2015. The appellant after his retirement from service had made an application seeking protection of his pay in view of the impugned order dated 28.09.1999 (Annexure P-1) passed in **Pawan Kumar Dutta's case (supra)**. Vide impugned order dated 10.05.2017 (Annexure P-5) his claim was declined, as he had been placed in a higher pay scale and was drawing more salary in comparison to his last



drawn pay with the Co-operative Spinning and Sugar Mills. It is manifest from a perusal of the order dated 10.05.2017 (Annexure P-5) that the petitioner was appointed with respondent No.4 on a higher pay scale than the pay scale which he was drawing at the time of his previous appointment in the Co-operative Spinning and Sugar Mill.

5. Furthermore, the appellant did not raise any claim with regard to the benefit of the pay protection at the time of his appointment in the year 2011 and till his retirement in the year 2015. His appointment with respondent No.4 appears to be a fresh appointment as it was in pursuance to an advertisement and 08 years after his retrenchment by the previous employer. The appellant appears to have based his claim on the directions issued by this Court in ***Pawan Kumar Dutta's case (supra)***. However, these directions were issued on 28.09.1999 and the petitioner did not raise a claim for benefit of pay protection till his retirement. It was incumbent upon the appellant to seek the benefit of pay protection promptly rather than waiting until long after his retirement to agitate his claim.

6. It is true that this Court in ***Satbir Singh's case (supra)*** has held that if the relief has been granted to an employee, the State is duty bound to grant similar relief to others, who are similarly situated but have not approached this Court. However, the judgment is distinguishable on facts and would not help the case of the petitioner. The Division Bench in ***Pawan Kumar Dutta's case*** had decided the case of those employees of the Co-operative Mills, who had approached the Court in the year 1999. It appears that in that case directions were issued qua the employees, who after being rendered surplus, were to be absorbed in service. There is nothing to indicate from any material on record or the order of appointment of the appellant that he was absorbed after retrenchment. The



appellant had been appointed in pursuance to an advertisement issued 08 years after he had been retrenched.

7. In the afore-noted facts and circumstances, we do not find any manifest illegality in the order of the Single Bench dismissing the writ petition.

8. Consequently, the Letters Patent Appeal stands dismissed.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**(DEEPAK MANCHANDA)**  
**JUDGE**

**26.08.2025**

*Sapna*

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No