

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.3530 of 1993 (O&M)
Date of Decision : 09.01.2015

Darshan Singh

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

- 1)Whether reporters of local newspapers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

Present : Mr. K.S.Dhaliwal, Advocate for the petitioner

Mr.Nilesh Bhardwaj, DAG, Punjab

MAHESH GROVER, J.

The grievance of the petitioner is that he has not been granted the benefit of revised pay scales with effect from the date when he was appointed even though it has been made admissible to him w.e.f 1990.

The petitioner was working as Research Assistant in the Punjab Vidhan Sabha and was granted pay scale of 570-1080. In this very pay band there were other categories of employees as well. Annexure P-1 which indicates the structure of State Govt. employees there were four categories clubbed together when a proposed revision was contemplated. Clause 8.9 of Annexure P-1 is extracted herebelow:-

8.9 For converting the existing scales into revised pay scales the following general conversion table is recommended:

Existing scale	Proposed revised scales
570-1080	
600-1120	1500-2640
620-1200	
680-1120	

The petitioner thus started getting this pay scale of 1500-2640 when the proposal was effected.

On 15.6.1990 the Govt. of Punjab came out with a notification revising the pay scales further which were to be made effective from 1.1.1986. All other employees in the pay band of 570-1080 got the benefit of this revision w.e.f 1986 but the petitioner was denied such benefit leading to a representation. The respondents passed Annexure P-4 entitling the petitioner to the revised pay scale in terms of the notification of 1990 but limiting the benefit from 1.10.1991. This is now the cause of grievance to the petitioner who contends that the benefit ought to have been granted to him as granted to the other similarly situated persons w.e.f 1986 and in the case of the petitioner w.e.f 1987 i.e. the date when he joined the service. Reference has also been made to Annexure P-5 by which the other categories of employees such as telephone attendants and telephone operators who were initially in the same pay band as petitioner but were left out in the revision of 1990 were granted the benefit w.e.f 1986. It is thus the case of the petitioner that the denial of the benefit w.e.f 1987 (the date of appointment of the petitioner) while affording the benefit to other similarly situated employees w.e.f 1986 is arbitrary and discriminatory and thus hit by Article 14 of the Constitution of India.

The respondents have merely stated that it is the prerogative of the State to choose a date of confirmation of revised pay scales to the employee or category of employees.

On due consideration of the matter, I am of the view that the petitioner has been unjustly kept away from the benefit from 1987 to 1991.

There was absolutely no justification to deny him this benefit when it was

granted to all other similarly situated employees w.e.f 1986 which was the date contemplated in the revision itself. That apart there was no justification in singling out just one post to keep it away from the revised benefits that too without assigning any reasons for it. It is evident that the petitioner's representation and the grievance was accepted when Annexure P-4 was passed. After having corrected the mistake they could not have limited the benefit to 1991 when the revision was granted in favour of the petitioner was more or less to bring it in conformity with the revision of pay scales of other categories of employees who were granted benefit from 1986. Consequently, petition is allowed and the petitioner is held entitled to revised benefits of pay w.e.f 1987 instead of 1991. It is stated that the petitioner has superannuated. Be that as it may, the necessary benefits shall be computed and given to the petitioner as expeditiously as possible but not later than four months from the date of receipt of the certified copy of this order.

January 09, 2015
rekha

(MAHESH GROVER)
JUDGE