

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

CWP No.5832 of 1995

Date of Decision : February 13, 2015

Sukhdarshan Saini and others

... Petitioners

Versus

Punjab State Industrial Development Corporation Limited,
Chandigarh through its Managing Director

...Respondent

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

- 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. Bikramjit Singh Patwalia, Advocate
for the petitioners.

Ms. Sonal Dutta, Advocate
for Mr. V.M. Gupta, Advocate
for the respondents.

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HARINDER SINGH SIDHU, J.

This writ petition has been filed praying for quashing order dated 05.04.1995 (Annexure P-9), whereby, the representation of the petitioners for grant of pay scale of Rs.570-1080 for the period from 18.05.1984 to 31.12.1985 and

the pay scale of Rs.1800-3200 w.e.f. 01.01.1986, has been rejected.

The petitioners were appointed as Account Clerks with the respondent-Corporation and were later promoted as Senior Assistants (Accounts). At the time of filing of the petition, they were all working as Senior Assistants (Accounts) in the respondent-Corporation. The details of their appointments and promotions are as under:-

Sr.No.	Name	Date of appointment as	Date of Promotion
1.	Sukhdarshan Saini-petitioner No.1	09.09.1985 (Accounts Clerk)	01.08.1994 (Senior Assistant)
2.	M.K. Goel-Petitioner No.2	02.08.1982 (Accounts Clerk)	23.12.1987 (Senior Assistant)
3.	Manjit Singh-petitioner No.3.	23.12.1982 (Cashier)	05.07.1994 (Senior Assistant)
4.	Baldev Singh-Petitioner No.4.	July, 1986 Accounts Clerk)	01.08.1994 (Senior Assistant)

The petitioners rest their case on the following submissions:-

In the year 1978, the Punjab Pay Commission in its report recommended that the posts with the designation of Junior Auditors, Accounts Clerk, Accountants, Assistant Accountant, Head Clerk-cum-Accountant, Accountant-cum-Store Keeper, Accountant-cum-Cashier and Assistant (Accountant) existing in various departments be rationalized and given two designations, namely; Accounts Assistant - where

their job involves maintenance of accounts and Auditor - where the work involved is to audit the accounts. It was recommended that these designations be used for the existing incumbents and the new recruits. It was also recommended that the Account Assistants and Auditors in all Departments be placed in the revised pay scale of Rs.570-1080.

Later, on the recommendation of the Punjab 3rd Pay Commission, the pay scales of Punjab Government's employees were revised by Punjab Civil Services (Revised Pay) (3rd Amendment) Rules, 1990 (for short 'the Rules'). These Rules came into force w.e.f. 01.01.1986. As per these Rules, the Accountants, Assistant-cum-Accountants, Account Assistants were placed in the revised scale of Rs.1800-3200 and were to be designated as Senior Assistant (Accounts).

The Board of Directors of the respondent-Corporation in its 138th meeting held on 18.05.1984 had resolved that in the matter of pay-scales of non-managerial staff, parity be maintained with the pay scales of the Punjab Government as at present, and cases of anomaly, if any, be quickly settled. In furtherance to the aforesaid resolution, an office order dated 3.1.1985 (Annexure P/1-A) was passed, wherein, the pay scales of various categories of non-managerial staff of the Corporation were revised, but no such revision was

effected in the case of Accounts Clerks and their existing pay scale of Rs.510-800 was maintained.

Consequent to the revision of pay scales by the Punjab Government w.e.f. 01.01.1986 based on the recommendation of the 3rd Punjab Pay Commission, the pay scales in the respondent-Corporation were revised and the Accounts Clerks/Cashiers were placed in the revised pay scale of Rs.1200-2100 and Assistant Accountants were given the revised pay scale of Rs.1500-2640 vide notification dated 10.01.1989 (Annexure P/4-A).

Later, another officer order dated 10.04.1993 was issued, whereby the Account Clerks were placed in the pay scale of Rs.1500-2640/- w.e.f. 01.01.1986. It was also specified that they would be re-designated as Senior Assistant (Accounts) after a period of five years of service, purely on merit and granted pay scale of Rs.1800-3200, subject to availability of vacancy.

The grievance of the petitioners is that the Accounts Clerks working in the various departments in the State of Punjab had been given the pay scale of Rs.570-1080 consequent upon implementation of the recommendation of the Third Pay Commission, which had also recommended re-designation of the posts of Junior Auditor, Accounts Clerk, Accountant,

Assistant Accountant, Head Clerk-cum-Accountant, Accountant-cum-Store Keeper, Accountant-cum-Cashier and Assistant (Accountant) as Accounts Assistant and Auditor depending upon the nature of the job as involving maintenance of accounts or audit of accounts. Their scales were further revised to Rs.1800-3200 w.e.f. 01.01.1986. The Corporation vide its resolution dated 18.05.1984 had decided to maintain parity with the Punjab Government in the matter of pay-scales. While the pay scales of other categories of non-managerial staff of the respondent-Corporation had been revised, but injustice has been caused to the petitioners as their existing pay scale was not revised. Further, w.e.f. 01.01.1986, they were given the pay scale of Rs.1200-2100, whereas, similarly situated employees in the Punjab Government had been placed in the pay scale of Rs.1800-3200. The office order dated 10.04.1993 had redressed their grievance only partly and they were placed in the pay scale of Rs.1500-2640 as on 01.01.1986. They filed various representations claiming that they were entitled to the pay scale of Rs.570-1080 from 18.05.1984 to 31.12.1985 and pay scale of Rs.1800-3200 w.e.f. 01.01.1986.

Having received no favourable response to their representation, they filed CWP No.1198 of 1995 praying for directions to grant them the pay scales as aforementioned. This

writ petition was disposed of vide order dated 23.01.1995 with a direction to the respondents to decide the representation of the petitioners by passing a reasoned order.

Pursuant to the directions of the Court, order dated 05.04.1995 (Annexure P-9) has been passed declining the claim of the petitioners. It is this order, which has been impugned in the present writ petition.

In the impugned order, it has been stated that the service conditions of the employees working in the Corporation are governed by the Punjab State Industrial Development Corporation Limited Service Rules. A mere revision of pay scale by the State Government does not give a right to the employees of the Corporation to claim the same pay scale, especially, when the employees of the Corporation are being paid much higher house rent allowance than the one fixed by the Punjab Government and it also gives other benefits such as reimbursement of conveyance charges, medical expenses, which are much higher than those permissible as per rules of the Punjab Government. It was stated that vide resolution dated 18.05.1984, the Board had decided to remove the anomaly in the pay scale as it existed then. The pay scale of Accounts Clerks was not revised as there was no anomaly in their pay scale. The petitioners cannot claim re-designation of posts in

the Corporation merely because the State Government had re-designated some posts. It was further stated that in the representation itself it had been claimed that the post of Accounts clerk is junior to that of Accounts Assistant as it had been decided by the Corporation to prescribe the pay-scale of Rs.1500-2640 to the Account Clerks who would be entitled to promotion/re-designation as Senior Assistants (Accounts) on completion of 5 years of service purely on merit and subject to availability of the post. The post of Senior Assistant (Accounts), thus, being a promotional and selection post in the Corporation, the petitioners who were working as Account Clerks could not claim the pay-scale as claimed by them.

Elaborating on the reasons for rejection of the representation, as contained in the order (Annexure P-9), in the written statement filed on behalf of the respondent, it has been additionally stated that vide resolution dated 18.5.1984 (Annexure P-1), while pay parity on similar posts was to be maintained, no decision was taken to follow the Staffing Pattern of the Punjab Government. Further, the resolution (Annexure P-1) did not entitle the petitioner to claim parity for all times to come as the said resolution was applicable to the revision of pay scales as in the year 1984 and thereafter the Board of the respondent - Corporation had to take decisions from time to

time. It is stated that the petitioners have no counter-part in the State of Punjab and accordingly, their pay scale was revised from time to time keeping in view the pay scale previously drawn by them. Further, the petitioners were not entitled to change of designation as Senior Assistant (Accounts) as in the respondent-Corporation, it is a promotional post.

I have heard learned counsel for the parties and with their assistance perused the records.

The basis for the claim of the petitioners is the resolution of the Board of Directors (Annexure P-1) and on its strength, Ld. Counsel for the petitioners has urged that the petitioners are entitled to pay parity with Accounts Assistant of the Punjab Government, which is a post resulting upon the re-designation of the posts of Junior Auditor, Accounts Clerk, Accountant, Assistant Accountant, Head Clerk-cum-Accountant, Accountant-cum-Store Keeper, Accountant-cum-Cashier and Assistant (Accountant) as Accounts Assistant or Auditor depending upon whether the nature of the job is maintenance of accounts or audit of accounts.

To the contrary, the learned counsel for the respondents contends the resolution (Annexure P-1) only requires maintaining parity with similar posts of the State Government. It does not mandate a re-structuring or re-

designation in the respondent-Corporation on the staffing pattern of Punjab Government. Consequent on re-designation of posts by the Punjab Government, there is no corresponding posts of Accounts Clerk qua which parity can be claimed by the petitioners on the basis of the said resolution.

In view of above factual position, I am of the view that the claim of the petitioners cannot be allowed. In terms of the resolution (Annexure P-1), in the case of non-managerial staff of the respondent Corporation parity was to be maintained with the Punjab Government pay scales as then existing, and cases of anomaly were required to be settled. This resolution cannot be extended to mean that any re-structuring of the staffing pattern as effected by the Punjab Government be similarly carried out in the respondent-Corporation as well. Nor has it been asserted that such re-designation was carried out in the respondent Corporation. Consequent on re-designation of posts by the Punjab Government, there is no corresponding posts of Accounts Clerk qua which parity can be claimed by the petitioners on the basis of the said resolution. Moreover, the post of Senior Assistant (Accounts) is a promotional post from the post of Accounts Clerk and as per office order dated 3.4.1993 (Annexure P-6), Accounts Clerk is to be re-designated as Senior Assistant (Accounts) after a period of five

years of service purely on merit and placed in the scale of Rs.1800-3200. Therefore, the Accounts Clerks cannot claim the pay scale of the promotional post. Further, it has been expressly stated in the written statement that the petitioners are getting much better facilities with regard to House Rent Allowance and other benefits such as reimbursement of conveyance charges, medical expenses than those available to the employees of the Punjab Government. The cadre of the respondent-Corporation is different from the State Government.

Thus, there is no merit in the writ petition and the same is dismissed.

February 13, 2015

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(HARINDER SINGH SIDHU)

JUDGE