

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

CWP No.16987 of 2005

Date of Decision: 14.10.2015

Gurcharan Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. M.K. Tewari, Advocate for the petitioners

Mr. Inqulab Nagpal, AAG, Punjab

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The record produced in Court by Ms. Devinder Kaur, Deputy ESA, Punjab reveals that the Minister-in-Charge had passed an order on 7th February, 1995 on file that there was a mistake made in denying the pay scale to the petitioners on placement against the Post of Research Officer which was lower than the pay scale granted to District Statistical Officers who were junior to the petitioners and therefore the District Statistical Officers stole a march over the petitioners on account of promotion to the higher post. When the Minister-in-Charge had corrected the mistake in 1995, there were no impediments in the way of granting relief to the petitioners.

If this is the position on record the respondents deserve to be directed to confer and release the same pay scale to the petitioners as was released to their counter-part Research Officers from the date when juniors were placed in the higher pay scale vide Notification dated 6th June, 1994 (Annexure P-1). In addition, the real dispute arose when pay revision took place in 1994; it

happened by mistake that the post of District Statistical Officer by oversight was not included as clubbed with Research Officers in the department of Planning and Economic & Statistical Organization, Punjab when it should have been in the natural order of things. This pay revision became effective retrospectively from 1.1.1994. What the Minister-in-Charge corrected was in ordering inclusion of the post of District Statistical Officer clubbed with the post of Research Officers which latter post was placed at Sr.No.4 of the Notification dated 6th June, 1994 (Annexure P-1). The solution to the anomaly/mistake and the problem was to insert the post of Research Officer alongside the post of District Statistical Officer in Sr. No. 4 separated by a hyphen. This would restore the imbalance created by the the Notification dated 6th June, 1994 and save the petitioners from drawing lesser pay than his equal. Indisputably, both the posts were equated since long before.

The posts of “Research Officers/District Statistical Officers will be read at Sr.No.4 of the Notification dated 6th June, 1994. It may be recorded that nothing new was done by the Minister-in-Charge since the post of District Statistical Officer existed in the department prior to the Notification (P-1) and was in the rank and status of Research Officer carrying the same pay scale before the notification by mistake omitted to mention the post held by the petitioners in Sr.No.4. As a result, the petitioners would be entitled to the revised pay scale of Rs.2410-4000 w.e.f. 1.1.1994 and the benefit of corresponding scale to scale revisions from time to time by the successive Punjab Pay Commissions to bring to the petitioners pay parity with Research Officers.

Accordingly, the writ petition is allowed. The impugned action in denying the higher pay scales to the petitioners is held not sustainable in law and the corrective surgery done by the Minister-in-Charge of the department, is

approved to be the operative revision for both the categories i.e. Research Officers and District Statistical Officers belonging to the same cadre at one and the same time which for all intents and purposes shall be treated alike in the matter of pay scale from the date of the Pay Revision Notification P-1. The respondents are directed to compute the difference of pay from the date of applicability of the said notification from the date when junior District Statistical Officers started receiving the higher pay in the higher pay scale, within two months and the arrears of difference of pay and allowance be paid to the petitioners within the next one month. The amounts so calculated in terms of the corrected Notification dated 6th June, 1994 will carry simple interest at the rate of 8.5% p.a. which is the rate of interest on Fixed Deposits in Nationalized Banks.

(RAJIV NARAIN RAINA)
JUDGE

14.10.2015
MFK