

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 10589 of 2013(O&M).
Date of Decision : 20.02.2015.

Jaspaul Garg and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Girish Agnihotri, Senior Advocate with
Mr. Saroj Malakar, Advocate for the petitioner.

Mr. Pavit Singh Mattewal, Addl. Advocate General, Punjab.

Rajesh Bindal, J.

The petitioners have filed the present petition seeking quashing of the circular dated 01.12.2011 issued by the Govt. of Punjab pertaining to revision of pay scales and grant of designation of Assistant Engineers under the Career Progression Scheme applicable to the Junior Engineers.

The grievances of the petitioners were noticed at the time of issuing notice of motion on 16.05.2013. The order is extracted as under :-

"It is the contention of the counsel for the petitioners that after coming into effect of the notification dated 01.12.2011 (Annexure P-2), the pay of the promotional post of Sub-Divisional Officer has been equated with that of the Junior Engineer who has now been designated as Assistant Engineer after completion of regular service of 10 years. However, the grade pay, which has been granted to the now designated Assistant Engineers, is higher than that which has been granted to the Sub-Divisional Officers resulting in the total pay of the promotional post less than that of the feeding cadre.

Notice of motion for 14.11.2013."

Learned State counsel did not dispute that as a consequence of the Circular, the pay being drawn by the Sub Divisional Officers would be less than the Junior Engineers now designated as Assistant Engineers, which is a feeder cadre post for Sub Divisional Officers. This creates an anomalous situation, where the members of feeder cadre are getting pay higher than the pay being drawn by the members of the cadre to which they can be promoted.

The anomaly is required to be resolved. The respondent No. 3 is directed to examine the matter after hearing the effected parties, if required, and take a final decision thereon within a period of three months from the date of receipt of a certified copy of this order.

In case the petitioners are entitled to higher scale, they shall also be paid arrears of difference in pay scales within a period of two months thereafter.

Disposed of.

February 20, 2015.
kanchan

(RAJESH BINDAL)
JUDGE