

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 18287 of 2011

DATE OF DECISION: 02.07.2015

Baljit Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Present:- Mr. J.K. Goel, Advocate
for the petitioners.

Mr. Harish Rathee, Sr. D.A.G., Haryana.

DAYA CHAUDHARY, J.

The petitioners have approached this Court for issuance of a writ in the nature of mandamus directing the respondents to grant the pay scale of ₹ 1200-2040 w.e.f. 1.5.1990 with revision of pay scale and to refix and recalculate their salary as their posts have been equated with the post of Supervisor.

Learned counsel for the petitioners contends that the nomenclature of various posts having same nature of duties, identical functions and pay scales i.e. Store Supervisor/Store Keeper/Store Munshi/Time Clerk were re-designated to the post of Store Keeper vide letter dated 26.9.2007. The revised pay scale of ₹ 1200-2040 was granted to directly recruited Supervisors w.e.f. 1.5.1990, whereas, the petitioners

have been granted pay scale of ₹ 950-1200. Learned counsel further submits that the directly recruited Supervisors and promoted Supervisors have been discriminated and this action of the respondents was challenged before this Court by way of filing C.W.P. No. 3818 of 1992, which was allowed on 18.2.2009. The said decision of the Single Bench was challenged before LPA Bench and the LPA filed by the respondent-State was dismissed on 5.9.2009. Learned counsel also submits that many representations were made to the respondents stating therein that the petitioners are working on the same post of Supervisor re-designated as Store Keeper but their claim has not been considered. Neither the representations have been decided nor any reason whatsoever has been conveyed to the petitioners.

Learned counsel for the respondent-State submits that the present petition is not maintainable as the petitioners cannot claim parity with the Supervisors keeping in view the nature of duties and their qualifications. The pay scale of ₹ 1200-2040 is meant for technical post and post of the petitioners is not technical. The nature of duties are also different as the Supervisor has to control and supervise his juniors and other labourers, therefore, the pay scale of these two posts cannot be equated.

Heard the arguments advanced by learned counsel for the parties and have also gone through the documents available on the file.

Admittedly, vide letter dated 26.9.2007, the posts of Store Supervisor, Store Keeper, Store Munshi and Time Clerk have been re-designated to Store Keeper. It has also been mentioned in the said letter that since these posts are having identical nature of duties, therefore, they have been clubbed by giving new designation. Learned counsel for the respondent-State has submitted that different nature of duties are there

and the pay scale sought by the petitioners is only of technical post and the same cannot be granted to the petitioners. No doubt, the petitioners have made various representations to the respondents but the same have not been decided so far by the respondents as neither any order has been passed thereupon nor anything has been conveyed to the petitioners. Only a stand has been taken in the written statement that both the posts cannot be equated keeping in view the nature of duties but this stand is contrary to letter dated 26.9.2007. Nothing has been mentioned in the written statement as to what are the nature of duties of the petitioners and what are the nature of duties of the post of Supervisor.

Accordingly, the present petition is disposed of with a direction to respondent No.2 to consider the claim of the petitioners as claimed in the representations as well as in the present writ petition and pass a speaking order by taking into consideration letter dated 26.9.2007. In case the petitioners are considered at par with Supervisors, the necessary relief be granted to the petitioners. In case the petitioners are still aggrieved in any manner, they are at liberty to avail appropriate remedy. The necessary exercise be done within a period of three months from the date of receipt of certified copy of the order.

July 02, 2015
pooja

(DAYA CHAUDHARY)
JUDGE