

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

Civil Writ Petition No.21402 of 2015

Date of decision: 7.10.2015

Balbir Chand and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Aman Sharma, Advocate,
for the petitioners.

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

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioners belong to the Irrigation Department, Punjab. They are serving in the respondent department as Store Munshi. They have approached this Court for removal of an anomaly in the matter of pay scales with reference to their juniors on the premise that in 1969 the post of Store Munshi was equated with that of Clerk and both the groups shouldered higher responsibility and were placed in the same original pay scale of ₹ 60-4-80/5-120/5-175 in the pay structure of yore under the Punjab Civil Services (Revised Scales of Pay) Rules, 1969. The equation remained until November 2011 when on the recommendations of the Punjab Pay Commission as accepted by the Government a great disparity arose in pay structure between the two classes. This has resulted in heartburn because the petitioners started getting less pay/lower pay scale than their counterparts i.e. Clerks/Time Clerks (IB) in the same department for the equal job

responsibilities. It may be noted that at Sr. No.214 of the pay fixation rules the post of Time Clerk (IV) is also equated with the post of Clerk. All the above categories of posts were entitled to the revised time scale of pay ₹ 110-200. The corresponding pay revisions in the subsequent pay revisions remained at par until November 2011 when the grievance came about.

2. Learned counsel for the petitioners points out from the office orders dated December 26, 2011 (P-4) and March 20, 2012 (P-5) whereunder Clerks and Time Clerks have been fitted in the revised pay scale of ₹ 10300-34800 Plus 3200 Grade Pay w.e.f. December 01, 2011 but the petitioners have been treated with unfair discrimination when their pay scale has not been correspondingly revised. They have been fitted in the lower pay scale of ₹ 5910-20200 which stands further revised to the pay scale of ₹ 10300-34800/-.

3. Aggrieved by the anomaly and denial of pay at par with their erstwhile equals they submitted a legal notice to the Chief Engineer/Canals, Irrigation Works, Punjab, Chandigarh dated July 28, 2015 (P-6) for removal of their grievance in the matter of pay scales based on equation of posts from 1969 to November 2011. However, the competent authority, the 3rd respondent has not cared to address the grievance or disclose reasons why the difference/anomaly is justified or deserves to be maintained.

4. Since the view of the primary authority is not known, judicial review is not possible at the present stage and, therefore, it would serve the ends of justice if a direction is issued to the 3rd respondent to take up the legal notice and hear out the petitioners on the issue of pay anomaly and thereafter pass a speaking order containing reasons for the conclusions

reached. In case, the anomaly deserves to be removed there would be no necessity of passing a speaking order and the financial benefits would percolate accordingly. However, if an adverse order is contemplated then the decision be taken after following the above hearing procedure within a two month time frame. After which the final decision be communicated to the petitioners within one week thereafter.

5. With these directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

October 7, 2015

Paritosh Kumar