

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 23590 of 2014

Date of decision: December 7, 2015

Sukhwant Kaur

..... Petitioner

versus

District Red Cross Society, Moga and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present:- Mr. K.L. Arora, Advocate,
for the petitioner.

Mr. Ravish Bansal, Advocate,
for the respondents.

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

AMOL RATTAN SINGH, J.

The petitioner is working as a Stenographer Grade –I in the District Red Cross Society, Moga and is seeking parity of pay-scales with those employees working in the same capacity with the Government of Punjab.

2. As per her averment in the petition, she was appointed as a Steno-typist as per procedure, upon a requisition having been sent to the Employment Exchange in the year 1989. It is contended that a departmental selection committee was constituted and pursuant to her being selected, she was appointed on 15.06.1989 by the President of the District Red Cross

Society, Faridkot as a Steno-typist, in the pay-scale of Rs.950-25-1200-30-1500-40-1800 + Rs.50 as a Special Pay. A copy of her appointment letter is annexed as Annexure P-15 with the petition, showing that she was indeed appointed in the aforesaid scale. Appointment to the aforesaid scale on par with similarly situated Punjab Government employees is stated to have been on the basis of a resolution passed earlier on 20.04.1989 (Annexure P-2) by the Executive Committee of respondent No.2, i.e. the District Red Cross Society, Faridkot. The relevant part of the said resolution reads as follows:-

“10. Regarding giving pay allowances according to revised pay scales of Punjab Government to employee of Redcross.

Employees of the branches of Redcross and Saint John are already being paid, pay and allowance on the pattern of Government of Punjab. A proposal has come, in the meeting for giving pay and allowances to the employees of District Redcross and Saint John according, the revised pay scales on the pattern of revised pay scale of Government of Punjab. After due deliberations it was unanimously decided that employees of the branches of Redcross and Saint John be given w.e.f. 01.01.1986, the pay and allowances are according to revised pay scales of Government of Punjab. It was also decided that these revised pay scales will be applicable to the presently working employees and meaning thereby that those who left the job before a meeting of 20.04.1989 or who were terminated employees will not be given the benefits of revised pay scales.

After from above it was also decided that out of the amount of arrears to be paid to employees, amount of CPF will be deposited on the pattern of Government of Punjab.”

Thereafter, the petitioner was paid annual increments in terms of her appointment letter which she continued to draw each year, it seems till 01.06.1995, as can be seen from the order, Annexure P-3, by which her pay was raised, on grant of annual increments, from Rs.1200/- to Rs.1240/-, by respondent No.2. It needs mention here that vide order dated 22.08.1994 (Annexure P-6), the petitioner, on completion of 5 years' service, was

placed, as a Steno-typist itself, in the pay-scale of Rs.1200-40-1320-45-1500-50-2000-60- 2060-70-2130, in terms of the Government of Punjab notification dated 15.06.1990.

On 24.11.1995, the new district of Moga was created, which, as per the petition, was earlier included in District Faridkot. On 01.12.1995, the services of the petitioner were transferred to the Red Cross Society, Moga, on the same terms and conditions, though, as per the petition, against the petitioners' will. However, she joined service at Moga and continue there till date.

3. On 19.05.1998, the Punjab Government revised the pay-scales of its employees w.e.f. 01.01.1996, pursuant to the recommendation of the 4th Pay Commission. On 11.04.1999, the District Red Cross Society, Moga, is also stated to have revised the petitioners' pay-scale on the same terms, as per the aforesaid notification, thereby placing her in the scale of Rs.4020-6200/-. Subsequently, she was also stated to have been placed in the pay-scale of Steno Grade-I, under the ACP Scheme, on 06.08.2003 (vide order Annexure P-8), w.e.f. 01.06.2002, raising her basic pay from Rs.5000/- to Rs.5160/-.

On 04.02.2008, she was also granted higher pay-scale and benefits of annual increments w.e.f. 01.01.2006 and 01.06.2007, in terms of the Punjab Government letter dated 03.11.2006. This order, as also the order Annexure P-8, are shown to have been passed on the order of the Deputy Commissioner-cum-President Red Cross Society, Moga.

3-A Up to this point, there is no dispute by the respondents as regards grant of different pay-scales to the petitioner on par with the employees of the Punjab Government. However, after the revision of pay-scales, on recommendations of the 5th Pay Commission, w.e.f. 01.01.2006,

though the Punjab Government employees were granted revised pay-scales, the petitioners' pay-scale was not revised on par with the Government employees.

4. That is the source of her grievance, for which she earlier filed CWP No.8118 of 2010, seeking therein that she be released her annual increments w.e.f. 01.06.2009 in the revised pay-scales and be granted enhanced dearness allowance on par with the Punjab Government employees.

The writ petition was disposed of by a coordinate Bench on 05.05.2010, directing respondent No.1 herein, i.e. the District Red Cross Society, Moga, to decide the petitioners' representation in that regard, within a specified period.

Consequently, a speaking order dated 13.07.2010 (Annexure P-16), was passed by the Deputy Commissioner-cum-President of the District Red Cross Society, Moga, stating therein that the Society, in its meeting held on 27.10.1997, had resolved to give the same pay-scales of pay which employees already working with the Society were drawing, as a "personal measure" to them, even though it was a burden on the "infant" Red Cross Society, Moga. The order further goes on to state that it was not in the interest of the Red Cross Society norms and targets, to always tag the pay-scales of employees with the Punjab Government, as the Government is not the custodian of the employees of the Red Cross.

Further, it is stated in the said order, that the financial powers of the Deputy Commissioner, as President of the Society, had also been curtailed in the same meeting, to restrict such powers to disbursing of funds only in emergent situations in certain cases to the extent of Rs.25,000/- and in other cases to the extent of Rs.1 lakh. Despite that, the earlier Deputy

Commissioner-cum-President of the Society, had allowed pay-scales to employees, on his own, in contravention of the aforesaid decision.

The order further goes on to read that the petitioner was not recruited through any competition held by the Subordinate Services Selection Board but only recruited “locally” by the President of the of the Red Cross Committee, Faridkot. As such, no parity could be claimed by the petitioner with the Punjab Government employees, who are recruited through a tough process of selection and their service conditions and the rules governing such service, are altogether different. A reference has further been made in the order, to a letter from the Indian Red Cross Society, dated 30.06.2005, addressed to the Honorary Secretary of the District Red Cross Branch, Moga, clearly indicating therein that the District Red Cross Branches in the State are autonomous bodies and that there is no provision in the rules of the Red Cross to shift the staff from one district to another district.

5. The order dated 13.07.2010, still further, goes on to state that the Red Cross is an organization run purely on donations which are collected through personal and collective efforts of the administration, and no grant is paid by the State/Central Government. The financial health of the Red Cross Society, Moga, has been described in the order to be “drastically poor”, resulting in a financial crunch, despite which the annual pay package of the staff of the society goes to “Rs.1.5 million” (Rs.15 lacs). Hence, as per the order, it is the priority of the Administration to first collect donations for the payment of the staff and only thereafter is it able to fulfill the purpose of the Red Cross to serve needy persons.

In view of that situation, the order denies the petitioner parity of pay-scale with Punjab Government employees.

6. The aforesaid order (Annexure P-16), was assailed by the petitioner before this Court by filing CWP No.3248 of 2011. However, that petition too was disposed of on 23.02.2011 with the following order:-

“After arguing the case for some time, learned counsel for the petitioner seeks and is permitted to withdraw this petition with liberty to the petitioner to seek grant of revised/enhanced pay scales as and when the financial condition of the Red Cross Society improves.

Ordered accordingly.”

7. The petitioners’ contentions now in the present petition, are that her claim for higher pay-scales on par with Punjab Government employees, along with enhanced Dearness Allowance and release of annual increment from 01.06.2009 (the same as she prayed for in the earlier writ petitions), is that the financial health of the Red Cross Society, Moga, is now sound, with the Society having Rs.96 lakhs, deposited in Fixed Deposits in different banks, from which it earns Rs.8,64, 000/- interest per year, which can also be gathered from the fact that, as on 31.10.2014, the cash balance of the Society with the Union Bank of India, Moga, was Rs.8,35,000/-.

It is next contended that those persons who were junior to the petitioner in the Red Cross Society, Faridkot, were getting higher scales than the petitioner is getting in Moga, which amounts to discrimination.

Allegations have also been made in the petition, with regard to tampering and cuttings made by the Secretary, Red Cross Society, Moga, on a note/letter signed by the former Deputy Commissioner, addressed to the Commissioner, Ferozepur Division, Ferozepur, justifying the grant of higher scales to employees of the Red Cross Society, Moga, on par with the Faridkot Society employees.

In the present petition, the petitioner has also prayed that after the grant of higher pay-scales etc. to her, she be sent back to the “parent society” of Faridkot.

8. The two respondents, i.e. the District Red Cross Society, Moga and the District Red Cross Society, Faridkot, have filed separate replies; the first by the Deputy Commissioner-cum-President, Red Cross Society, Moga and the other by the Secretary of the Society at Faridkot.

It needs specific mention here, that though the two Societies have been impleaded by the petitioner as is described herein above, in both the replies, the Societies have described themselves to be the “Indian Red Cross Society, District Branch, Moga” and “Indian Red Cross Society, District Branch, Faridkot”, respectively.

The preliminary submissions made in both the replies are identical. On a point jurisdiction, it has been stated that the petitioner has not availed of her alternative remedy before the Central Administrative Tribunal (in short “the Tribunal”), before approaching this Court, as employees of the Indian Red Cross Society and District Red Cross Society, fall within the purview of the Administrative Tribunal Act, 1985, as per notification dated 01.12.2008, issued by the Government of India, Ministry of Personnel, Public Grievances and Pension. It has further been stated that on the basis of the aforesaid notification, CWP No.7205 of 2011 was dismissed as withdrawn with liberty to the petitioner therein to approach the Tribunal for similar relief and CWP No.21073 of 2011 was dismissed as not being maintainable.

Other than the above, it has been stated in the preliminary submissions that the Indian Red Cross Society is an independent body registered under the Societies Registration Act and is not “State” within the meaning of Article 12 of the Constitution and as such, a writ petition against the Society is not maintainable.

It has also been stated that the petitioner has concealed material

facts and placed reliance upon “false and fabricated documents”, thereby misleading this Court. Still further, it has been stated that an enquiry is pending against the petitioner on serious allegations of misappropriation of funds of the Red Cross Society, which fact she has concealed from this Court.

9. Before coming to the merits of the submissions made on either side, it would be appropriate to first deal with the issue of whether or not a writ petition against a District Red Cross Society/Indian Red Cross Society, District Branch, is maintainable at the first instance before this Court, or whether the petitioner must necessarily first approach the Tribunal to seek relief in respect of a grievance raised in terms of the notification of the Government of India dated 01.12.2008.

In order to determine same, it is also necessary to refer to the replication filed by the petitioner, in response to the said contention of the respondents in their respective replies.

After quoting Section 14 of the Administrative Tribunals Act, 1985 and referring to various notifications issued since 1986 till 01.12.2008, bringing various authorities/organizations under the purview of the Central Administrative Tribunal, the petitioner has stated in her replication, that she is an employee of the District Red Cross Society, Moga and prior to that of the District Red Cross Society, Faridkot, which are all carrying on independent functions for the welfare of the public, within their own areas of operation. As regards the notification dated 01.12.2008 (annexed as Annexure P-28 with the replication), it is contended that it has brought within the purview of the Central Administrative Tribunal, the Indian Red Cross Society (IRCS), putting it at Sr. No.190 in the Schedule annexed to the Administrative Tribunals Act, 1985. The Society, at the said serial number,

has been described as a “Statutory Autonomous Organization under Ministry of Health and Family Welfare”, in the schedule.

Thus, as per the petitioner, the District Red Cross Societies are distinct entities from the Indian Red Cross Society and as such are not amenable to the jurisdiction of the Central Administrative Tribunal, in terms of the aforesaid notification, by which only the Indian Red Cross Society, specifically described as “IRCS” in the said notification, has been brought within such jurisdiction.

10. As regards CWP No.7202 of 2011 and CWP No.21073 of 2011, it has been stated that both these petitions were titled as **Ajay Kumar Garg and another Vs. Indian Red Cross Society** and **Sushma Devi Vs. Indian Red Cross Society** respectively. Thus, the implication is that the Indian Red Cross Society not having been impleaded in the present petition, even if both the respondents are shown to be branches of the Indian Red Cross Society, they are actually not a part of the IRCS and are, therefore, not amenable to the jurisdiction of the Tribunal.

11. Though no arguments were actually addressed on this issue by either counsel, however, on a specific query put by this Court to counsel for the respondents, he had to candidly admit that the District Red Cross Societies, as also the Punjab State Red Cross Society, are all registered as independent bodies under the Societies Registration Act, 1860. However, learned counsel still maintained that with a ‘model constitution’ now recommended for being adopted throughout the country and each Red Cross Society, whether at the State level or at the District level, being described as branches of the Indian Red Cross Society itself, they would be included in the ambit of the apex society in the country and as such, the employees of all

these societies would necessarily first have to invoke jurisdiction of the Central Administrative Tribunal, being part of the Indian Red Cross Society enumerated at Sr. No.190 in the schedule of the 1985 Act.

12. Before considering the above argument/pleadings on merits, it is also necessary to state here that, on a specific query, learned counsel for the respondents could not deny that the employees of different Red Cross societies are not being paid identical pay-scales as employees of the Indian Red Cross Society, despite a common constitution having been adopted.

As a matter of fact, in such a situation, the resistance of the respondents to the stand of the petitioner on this issue, would be self-defeating, if the argument on this score, of the respondents, is accepted. This would be inasmuch as, if the different Red Cross societies at the State Level and at each District level are to be considered a part of the larger Indian Red Cross Society, then the pay-scales applicable to the employees of Apex society may also become applicable to the District Red Cross Societies. However, in my opinion, that cannot be so, one reason also being that the Indian Red Cross Society is actually not paying any funds to the District branches, as submitted by the learned counsel for the respondents.

In fact, it is the other-way around, that the State branches expect a certain amount of percentage of collection from each District Red Cross Society, to be paid to the State branch.

13. Interestingly, though the preliminary submission of both respondents, is that the notification dated 01.12.2008 would also cover employees of the District Red Cross Societies, with each respondent even describing itself as the Indian Red Cross Society, District Branch, Moga and Faridkot, respectively, yet, in the order dated 13.07.2010, passed by the

Deputy Commissioner-cum-President of the District Red Cross Society, Moga, it has been stated therein that even the Indian Red Cross Society, vide its letter bearing No.DRC/Moga/05/1356, dated 30.06.2005, has clearly “indicated” that the “District Red Cross Branches in the State are autonomous bodies and there is no provision in the Rules of Red Cross to shift the staff from one district to another district”.

14. Despite this and further, learned counsel for the respondents also produced rules framed by the Indian Red Cross Society, stated to have been so framed under Section 5 of the Indian Red Cross Society Act, 1920. Chapter VI of the aforesaid rules pertains to district/sub-district/local branches and clause 1(b) contained therein, stipulates as follows:-

“A district branch may within the provisions of the State Branch rules and regulations, subject to approval of the Managing Committee of the State/U.T. Branch concerned, frame its own rules for running the affairs of the branch.”

(Emphasis applied)

As per clause 2 of Chapter VI of these rules (framed by the Indian Red Cross Society), the President of the District Branch of the Indian Red Cross Society, is to be Deputy Commissioner or District Magistrate of the district concerned.

15. Learned counsel also submitted in Court a copy of service rules, presumably framed pursuant to the aforesaid provision, which are titled as Service Rules for Indian Red Cross Society, District Branch, Moga.

Rules 3, 4 and 5 of the aforesaid rules, further stipulate as reproduced hereinunder:-

“Strength of Staff

3. The Society shall determine the strength of post subject to the work load of the branch.

Method of Recruitment

4. The recruitment to the service of the official mentioned shall be made by the President by:

- (i) Promotion of employees already in the service of the Society or
- (ii) Taking on deputation a person already in Government service or
- (iii) From Ex-Army/retired civil personnel.
- (iv) Direct recruitment.

Appointment to the service

5.(i) All direct appointment to the posts shall be made on production of the following documents.

- (a) Medical Certificate of fitness from Chief Medical Officer.
- (b) Character Certificate from Gazetted Officer.
- (c) An Affidavit to the effect that the incumbent neither removed nor dismissed from any Govt. post never convicted in any criminal or civil case and has no relative in the office of the Society.

(ii) The maximum age for direct recruitment to the service shall not exceed 40 years. This age limit may be relaxed in special cases with the prior approval of the President, of the Society. The minimum age limits for entry to the service of the Society shall not be less than 10 years.”

(There seems to be an obvious error with regard to the minimum age limit prescribed in clause (ii) hereinabove).

Rules 6 to 10, thereafter, deal with the period of probation, the punishing authority empowered to impose a penalty on employees, maintenance of a record of service, resignation from service and the age of retirement.

Rule 11, i.e. the last Rule of these service rules, states that in case of any doubt arising with regard to the interpretation of any rules, the matter would be referred to the President (of the Society), whose decision shall be final.

16. Thus, in the service rules framed by the Indian Red Cross

Society, District Branch, Moga (in terms of what is stipulated in clause 1(b) of Chapter VI of the rules framed by the Indian Red Cross Society), no specific pay scales have been given which are to be paid to employees of each categories. However, it is stipulated that all matters of recruitment, including the number of posts and conditions of service such as probation, the determination of who is to be the punishing authority, method of resignation and age of retirement, is to be governed in terms of the service rules of each District Society or District Branch of the Indian Red Cross Society and not by the apex Indian Red Cross Society, itself.

It is also not submitted that these service rules, framed by the District Branch, Moga, have not been approved by the Managing Committee of the State Branch. Even if that were so, as regards the autonomy of each District Branch of the Red Cross Society/of each District Red Cross Society, is in no way undermined, in view of the stand taken by the apex Indian Red Cross Society itself, vide its letter dated 30.06.2005 (referred to in the order of the President of the Moga Branch/Moga Society), as also in view of the fact that even Section 5 of the Indian Red Cross Society Act, 1920, grants autonomy to the District Branches/District Societies to frame their own rules for running the affairs of the Branch, subject only to approval by the State Red Cross Society. Thus, in effect, each District Branch/District Society is an autonomous body on its own, especially as it is also, admittedly, separately registered under the Societies Registration Act, 1860.

Necessarily, therefore, it would imply that if appointments and the number of such appointments, and the posts as are required to which appointments are to be made, are all to be determined at the district level itself, in the case of each District Branch/District Society, all matters

pertaining to service conditions, are thereby governed at the local level and not by the apex Indian Red Cross Society (IRCS).

17. Thus, it pales into insignificance, in my opinion, whether the district organization is simply a Branch of the Indian Red Cross Society (IRCS) or is a separate society registered under the Societies Registration Act, in view of the fact that the employees of the district organization in any case, are not employees of the Indian Red Cross Society (the apex society) but are, even as per rules framed by the apex society itself, employees of the district level organization, each having its own terms and conditions of appointment. Therefore, the question of the district level society being amenable to the jurisdiction of the Administrative Tribunals Act, 1985, would not arise, the employees of the district organizations not being employees of the IRCS (the apex society).

Hence, the stand of the petitioner to that extent, is correct, that the District Red Cross Societies, being independent bodies, would not be governed by the notification dated 01.12.2008 (Annexure P-28), by which the Indian Red Cross Society (IRCS) has been brought within the purview of the Administrative Tribunals Act, 1985, for the purpose of settling disputes between the employees and the IRCS. Thus, the District Branches would not be amenable to the jurisdiction of the Administrative Tribunals Act, 1985, even at the first instance, in respect of any service disputes between a District Society/District Branch of the IRCS and the employee(s) of that branch.

18. Undoubtedly, in CWP No.7202 of 2011, the counsel for the petitioners therein (presently counsel for the respondents), had withdrawn that writ petition before this Court, on the ground that by the notification

dated 01.12.2008 (supra), jurisdiction with regard to the cases pertaining to employees working with the Indian Red Cross Society has been conferred on the Central Administrative Tribunal.

The said writ petition, was, therefore, permitted to be withdrawn with liberty to avail of the alternative remedy. No adjudication on the merit of the controversy was gone into, in view of the statement of counsel for the petitioners in that case.

In CWP No.21073 of 2011, none had appeared for the petitioners and counsel for the respondent Indian Red Cross Society, Punjab, had made a similar statement before a coordinate Bench, in view of the notification dated 01.12.2008. The issue was, therefore, again not gone into, as the petition was dismissed for non-prosecution.

Thus, neither of the two aforesaid decisions cited by the respondents, adjudicates on the issue of whether or not a District Branch/District Red Cross Society, would be amenable to jurisdiction under the Administrative Tribunals Act, 1985, or not.

Secondly, in both those cases, the Indian Red Cross Society had been impleaded as respondent No.1 in both cases. However, on merits that may not actually be relevant, as the employees in those cases also, are stated to have been employees of different District Red Cross Societies.

Be that as it may, after having gone into the issue in detail, on the basis of documents submitted, it is held that service disputes between employees of District Red Cross Societies/District Branches of the Indian Red Cross Society, would not be covered by the notification dated 01.12.2008 (Annexure P-28), issued by the Government of India, Ministry of Personnel Public Grievances and Pensions.

Hence, in view of what has been discussed, to the effect that each District Red Cross Society/District Branch of the Indian Red Cross Society, is governed by its own set of service rules, which stipulate therein, the method of appointments and conditions of service etc., the present writ petition, before this Court, is held to be maintainable at the initial stage itself, without recourse to the Central Administrative Tribunal.

19. Having held as above, on the issue of jurisdiction, the contentions made on both sides, with regard to the merits of the controversy in issue, need to be determined.

As a matter of fact, having gone into the details of the service rules framed by the Indian Red Cross Society, District Branch, Moga/District Red Cross Society, Moga, pertaining to that societys' employees, in the opinion of this Court, no further doubt arises even on merits.

20. Simply because the petitioner was granted the same pay scales at any point of time, whether in Faridkot or in Moga, on par with Government employees, upon a resolution to that effect having been passed at that particular point of time, by the district society concerned, does not entitle the petitioner to seek parity of pay scales for all time, with employees of the Punjab Government.

It is an admitted fact that though the Punjab Government may be giving grants to the District Red Cross Societies from time to time, in view of the nature of the social work that each society does, such grant is not a matter of right of any society and each society has to depend on its own methods of raising funds from the general public and Government and other organizations, to enable it to carry out the social work that it does.

No statute or subordinate legislation, or any rules framed thereunder, have been brought to the notice of this Court, by which employees of the District Red Cross Society/District Branch of the Indian Red Cross Society, are entitled to parity of pay scales with Government employees.

On the other hand, as already discussed in detail, it is each society at the district level itself, which is to determine the kind of, and the number of, employees it needs to employ, to carry out the purposes of the society. That necessarily implies that the pay/pay scales of each employee, that is employed by such society, must be determined by the employer itself, i.e. the district level society. As a matter of fact, when each district unit is an independent organization, even with some control by the State level society and the apex body, as regards carrying out the purposes of the Red Cross is concerned, parity of pay scales, between employees of one District Red Cross Society to another, also cannot be claimed as a matter of right, in the absence of any rules made by the apex society, adopted by each district level society. Admittedly, no such rules exist, by which employees of district level societies must be given specific pay scales determined by the apex society. Hence, the question of seeking any parity with Government employees, in any case, in perpetuity, just because the initial pay scale of the petitioner was the same as Government employees, does not arise at all.

21. It may also be noticed here, that it was specifically held, even in the case of Government employees, by a five Judge Bench of the Supreme Court, in **Roshan Lal Tandon v. Union of India** (AIR 1967 SC 1889), that simply because Government employees have been granted a particular pay scale at the initial point of their service, does not entitle them to specific pay

scales throughout their careers. Thus, if Government employees themselves cannot claim specific pay scales on the basis of their initial pay scales, (in the absence of any specific parameters qua other Government employees), the question of employees of a voluntarily organization/society to seek parity with Government employees, obviously does not arise.

It may also be said here, that simply because the Deputy Commissioner is the ex-officio President of each District Red Cross Society, that can also not bring the petitioner, by any stretch of imagination, within the definition of a Government employee. In fact, as already noticed earlier, the District Red Cross Society, Moga, in its meeting held on 27.10.1997, had restricted the powers of the Deputy Commissioner itself. Obviously, therefore, there is no pervasive control of the Government over the society. Even if such control existed, that would still not entitle the employees of the society to be treated at par with Government employees. However, that question, in any case, does not arise, in view of the fact that there is no equation at all, between the Red Cross Society itself and Government.

22. As regards the petitioners' contention, that she was posted to the Red Cross Society, Moga, without her consent, upon formation of that society in the year 1995, that is also strongly refuted by the respondents, who state that options were, in fact, called from all employees, as to whether they wanted to remain at Faridkot or go to Moga. Since the petitioner was residing at Moga at that time, she opted for District Moga. In any case, she remained silent with regard to her allegedly 'forcible posting' to Moga, from Faridkot, for fifteen long years, before she first started claiming for "re-transfer" to the District Red Cross Society, Faridkot, when her pay was not brought at par with Government employees.

Hence, though that issue has already been discussed, of non-maintenance of parity between employees of different District Societies, each having their own service rules, it needs to be further stated, that simply because the petitioner was initially recruited at Faridkot and thereafter was posted to Moga, in the year 1995, would not now, at this stage, entitle her to be absorbed in the District Red Cross Society at Faridkot, only because she is getting lesser pay scales in Moga. She not ever having raised any issue with regard to her posting to Moga, from 1995 to at least the year 2010, when she first filed Civil Writ Petition No.8118 of 2010 before this Court (fifteen years later), shows that she was actually not at all aggrieved of her absorption in the District Red Cross Society, Moga, fifteen years earlier. In fact, even her representation dated 22.10.2009 (Annexure P-14), or even for that matter, the summary prayer made in the aforesaid writ petition (Annexure P-15), do not show that she actually represented to be taken back in the District Red Cross Society, Faridkot.

Thus, her prayer for re-absorption in District Red Cross Society, Faridkot, is also rejected.

24. Keeping in view the above detailed discussion, I find no merit in the present writ petition, which is, consequently, dismissed.

No order as to costs.

December 7, 2015

vcgarg/dinesh

[AMOL RATTAN SINGH]
JUDGE