

Sr.No.248
IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-4683-2015(O&M)
Decided on: 15.10.2015

Ram GopalPetitioner

vs.

State of Haryana and othersRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. S.S.Chhokar, Advocate for the petitioner.
 Mr.Hitesh Pandit, Addl. A.G. Haryana.
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Mahesh Grover, J

The grievance of the petitioner is that his junior one Ajmer Singh is getting more pay than the petitioner.

The following table will clarify the facts:-

<i>Name</i>	<i>Date of joining / Designation</i>	<i>Regularised / on</i>	<i>Ist Promotion / Designation</i>	<i>2nd Promotion / Designation</i>	<i>3rd Promotion / Designation</i>
<i>Ram Gopal</i>	<i>24.04.1978 Road Mate</i>	<i>01.01.1987</i>	<i>24.12.2003 / Work Supervisor</i>		
<i>Ajmer Singh</i>	<i>04.09.1981 Beldar</i>	<i>01.01.1987</i>	<i>17.09.1998 / Motor Mate</i>	<i>02.05.2000 / Motor Mate</i>	<i>12.03.2008 / Work Supervisor</i>

The petitioner's grievance stems from the fact of admissibility of pay which is less than what is being granted to his juniors. To understand the issue the comparative period of the pay admissible to the petitioner and his junior mentioned above are given below:-

Pay After Revision w.e.f 01.01.2006

Sr .N o.	Name	Date of increment	Pay in the pay band/scale	Grade pay (wherever applicable)	Total Pay	Pay after increment / Remarks
1.	Ram Gopal (Petitioner)	01.07.2008	7450	1900	9350	
2.	Ajmer Singh	01.07.2008	7290	1800	9090	Annual Grade increment

TABLE II

Sr. No.	Name	Designation	Existing Pay on dated	Pay now fixed	
1.	Ram Gopal (Petitioner)	Work Supervisor	01.07.2013	10580+2400	12980
2.	Ajmer Singh	Work Supervisor	01.07.2013	11800+3200= 15000	A.I

The aforesaid comparative analysis would indicate that person who is clearly junior to the petitioner having been promoted as Work Supervisor in 2008 as against the promotion of the petitioner in 2003 is drawing more pay than the petitioner which is totally contrary to the settled proposition of law. A junior incumbent cannot be permitted to draw more pay than his senior. No justifiable distinction has been made by the respondents in their reply. Even if it is assumed that the said Ajmer Singh and the petitioner were in a different channel altogether then also once they merged into the channel of Work Supervisor with the petitioner entering in first, he would rank senior to the aforesaid persons and thus cannot be discriminated against in the matter of pay.

Consequently the writ petition is accepted and the respondents are directed to correct the anomaly by granting similar pay scale to the petitioner as admissible to his juniors. The needful be done as expeditiously as possible but not later than three months from the date of receipt of certified copy of this order.

15.10.2015

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I attest to the accuracy and
integrity of this document

(MAHESH GROVER)

JUDGE