

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

LPA No.1501 of 2011
Date of Decision: 24.07.2015

State of Haryana and another

...Appellants

versus

Ranjit Kumar and another

..Respondents

CORAM : HON'BLE MR.JUSTICE SATISH KUMAR MITTAL
HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present :- Mr. Lokesh Sinhal, Addl. A.G., Haryana
for the appellant-State.

Mr. R.K. Malik, Sr. Advocate with
Mr. Vijay Dahiya, Advocate
for the respondents.

Satish Kumar Mittal, J. (Oral):

This Intra Court appeal under Clause X of the Letters Patent has been filed against the order dated 17.01.2011, passed by learned Single Judge whereby the writ petition filed by the petitioners seeking parity of pay scale of Farm Assistant Group-C and Fisherman-cum-Watchman has been disposed of by passing following order:

“There is no doubt that a person who seeks promotion also seeks betterment of pay and benefits that may accrue on such a promotion, otherwise the promotion becomes a hollow and empty concept. It is also not disputed that the Fisherman-cum-Watchman is a post which is two steps lower to the posts held by the petitioners, and the post of Field Assistant is a inter mediatory to which post of Fisherman-cum-Watchman can be promoted after he fulfills the requisite conditions prescribed in the rules and likewise, a Field Assistant can become a Farm Assistant on the basis of the qualifications and eligibility conditions prescribed under the rules. A particular service may entail certain additional benefits which a person

when promoted may not be entitled to, as it may be contingent upon the nature of the job which is being performed, for example, a person who is required to go to the field in connection with his duties, may require certain level of mobility and may also require some incentive to carry out the duties in the field and the employer is, thus, well within his rights to provide such an additional benefit(s) to an employee. The person so promoted cannot make a grievance of such allowance and say that since a person lower in rank to him has been granted the benefits, such as cycle allowance and washing allowance, it has affected his pay vis a vis such employee and that he is prejudiced. This contention of the learned counsel for the petitioner is seemingly mis placed. However, at the same time, it is noticed with concern that the pay scale after revision is equated with the post of the Fisherman and this does not justify the anomaly from any angle. Both are carrying the pay of 4440-7440, and thus a person is promoted from Fisherman Field Assistant and later as Farm Assistant is likely to be prejudicially affected.

For the aforesaid reasons, I deem it appropriate to refer the matter back to the respondent for re-examining the controversy in view of the observations made by this Court and rectify the anomaly existing in the pay scale of the petitioners and the Fisherman cum Watchman.”

We have heard learned counsel for the parties.

Learned Counsel for the State has argued that while issuing the aforesaid directions, learned Single Judge has not taken into consideration the grade pay of both the posts. He further states that since learned Single Judge has not taken into consideration the said fact, therefore, the impugned order be modified to that extent.

Accordingly, we deem it appropriate that while reconsidering matter in the light of the observation made by learned Single Judge, the State Government may also look into the grade pay of both the posts.

We hope that the State Government will pass necessary orders after re-examining the matter in the light of the aforesaid observations expeditiously preferably within a period of six months.

With the aforesaid modification, this appeal stands disposed of.

(SATISH KUMAR MITTAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

24.07.2015

Atul