

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

Letters Patent Appeal No.805 of 2014 (O&M)
DATE OF DECISION: 23.01.2015

Haryana Seeds Development Corporation

....Appellant

Versus

Panna Lal (dead through L.Rs.) and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vishal Gupta, Advocate for the appellant

Mr. Inderjeet Singh, Advocate for respondents
No.1 to 3

Mr. Amar Vivek, Additional Advocate General,
Haryana

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S.J. VAZIFDAR, ACTING CHIEF JUSTICE:

This is an appeal against the order and judgment of the learned Single Judge dated 04.02.2014 allowing the respondents' petition and directing the appellants to grant the respondents a pay scale of Rs.3050-4350/- and to fix their pay in the revised pay scale as has been granted to other Helpers to Mechanics with effect from 1.1.1996 along with interest at 12% per annum.

2. We agree with the final orders passed by the learned Judge. We would, however, dismiss the appeal on one ground alone without making any observations on the other findings of law. The respondents were aggrieved by the decision of the appellants having fixed their pay scale below that of others working with them who were in

fact junior to them. On 16.8.1985, the appellants invited applications *inter alia* for the posts of Helper to Mechanic. The pay scale was stipulated at Rs.350-5-360 /8-400/10-500. The initial total pay was stipulated to be Rs.4659.80. The applications were invited from candidates between the ages of 18 years to 38 years. The qualifications were as under:-

"Notification (*sic*) and experience ITI Diploma in mechanical in electrical trade with working experience of approximately 6 months to operations, maintenance and repair of seed processing equipment.

Or

Matric pass with practical experience of three years to operations, maintenance, repair of processing equipment/machinery."

For thirteen years, the pay scale remained the same for the persons with qualifications in both the categories.

3. By a communication dated 12.10.1998, the Financial Commissioner & Secretary to Government of Haryana, Finance Department, informed the Commissioner & Secretary to Government of Haryana, Agriculture Department about the revision of pay scales for the employees of State Public Enterprises/Institutions. The revised pay scales were to be implemented with effect from 01.01.1996. For the said post, namely, Helper Mechanic, the pay scale was fixed at Rs.2610-60-3150-EB-65-3540 for those having the second set of qualifications. The pay scale for those having the first set of qualifications was revised to Rs.3050-75-3950-EB-80-4350.

4. The respondents did not contend that different pay scales cannot be stipulated for people working in the same cadre. They, however, contended that the two qualifications stipulated in the notice inviting applications dated 16.8.1985 were treated as equal. Neither qualification was considered higher or better than the other.

5. This submission appears to be well founded. We do not say so merely because of the word 'Or' between the two sets of qualifications. That is not determinative of the issues. There is, however, nothing to suggest that the Committee that fixed the revised pay scales considered one qualification to be better or higher than the other warranting different pay scales. There is no material on record that indicates any reason why the committee considered one set of qualifications to be higher than that of the other. Admittedly, both the categories of employees perform the same nature of duties and were for 13 years kept in the same pay scale. The respondents are entitled to succeed on this limited ground alone.

6. The appeal is, therefore, dismissed.

**(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE**

23.01.2015
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**(AUGUSTINE GEORGE MASIH)
JUDGE**

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Whether reportable: YES/NO