

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

**Civil Writ Petition No.11101 of 1996 (O&M)
Date of decision: 28.07.2016**

Harbans Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Kanwaljit Singh, Senior Advocate assisted by
Ms. Gurdeep Kaur, Advocate for the petitioner(s).

Mr. Vaibhav Sharma, Deputy Advocate General, Punjab
for respondent Nos.1 and 2.

Mr. K.S.Kang, Advocate assisted by
Mr. Ashok Vij, Law Officer for the Municipal Committee,
Patiala (respondent No.3).

JASWANT SINGH, J. (Oral)

The services of 14 petitioners, namely, Harbans Singh, Rajinder Singh, Santokh Singh, Janki Dass, Iqbal Singh, Prem Singh, Surinder Pal Goel, Rajinder Singh, Kanwaljit Singh, Manjit Singh, Arun Kumar, Tejinder Singh, Sham Lal and Gora Lal were regularized w.e.f. 07.05.1991 as skilled helpers in the pay scale of Rs.810-1440 by the erstwhile Municipal Committee, Patiala (now Municipal Corporation, Patiala).

By filing the present petition, they claim a direction for promotion to the post of Pump Drivers/Pump Operators, as also grant of salary in the scale of Rs.950-1800 as admissible to the post of Pump Drivers in the light of they having performed their duties on the post of Pump Drivers.

To support their assertion of working as Pump Drivers, it is

submitted that Identity Cards were also issued. By way of illustrations, the

Identity Card of one of the petitioners, namely, Janki Dass, is placed at **Annexure P-7**.

In the reply filed, it is asserted that the petitioners except petitioner No.8-Rajinder Singh do not fulfill the prescribed qualification (ITI/Diploma in Electrical) for appointment to the post of Pump Drivers. Even otherwise, there is no channel of promotion to the post of Pump Drivers from skilled helpers provided either by instruction or statutory rules. The cited instruction/rule relates to PWD (B&R) department and has never been adopted by the answering Municipal Committee.

To the general and vague allegations as stated in Para 4 of the writ petition that the petitioners were discharging the duties of Pump Drivers, equally vague reply has been tendered. It is further asserted in the reply that the petitioners (Class-IV employees) are not entitled to the wages for the Pump Drivers merely because they having at some points of time, due to exigencies, were asked to operate tubewells.

At the time of hearing today, an affidavit dated 28.07.2016 of Sh. Parminder Singh Gill, Commissioner, Municipal Corporation, Patiala has been filed in the Court, which is taken on record. Copy of the same has been supplied to learned opposite Counsel.

Perusal of the same reveals that all 14 petitioners were subsequently promoted in the year 2002 as Pump Drivers except petitioner No.10-Manjit Singh; petitioner No.13-Sham Lal and petitioner No.14 Gora Lal, who were promoted in November, 2007 as Fitters and Pump Drivers, respectively.

It is thus submitted that the primary relief claimed in the petition

Learned Counsel for the petitioners submits that for the periods the petitioners have performed their duties as Pump Drivers prior or after their regularization while working as daily wagers, they are entitled to the salaries in the regular pay scales as admissible to the post of Pump Drivers.

This Court is persuaded to accept the plea raised on behalf of the petitioners. For the petitioners to be entitled to the wages for the post of Pump Drivers, there is no sufficient material on record to hold that they were ever exclusively discharging the functions of the post of Pump Drivers. It is quite possible keeping in view the exigencies of service, at different points of time, they in addition to their duties in the substantive engagement may have been asked to perform additional duties as the Pump Drivers, which would not entitle them to the claim of relief of salaries in the regular pay scales as admissible to the post of Pump Drivers.

In view of the above, the present petition is dismissed as infructuous. However, if any factual error has occurred then the petitioners shall be entitled to seek the recalling of the present order within four months from today.

July 28, 2016

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(JASWANT SINGH)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>