

CWP No.16313 of 1995

#1# Manoj Kumar  
2016.10.17 17:23  
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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No.16313 of 1995

Date of decision: 07.10.2016

Gurnam Singh

....Petitioner

Vs.

Pepsu Road Transport Corp. Patiala

....Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. S.K. Sharma, Advocate for the petitioner.

Mr. Anupam Singla, Advocate for respondent.

**Jaswant Singh, J**

Petitioner, who was working as Store Keeper with the respondent-Pepsu Road Transport Corporation, Patiala (for short "PRTC"), by way of filing the present writ petition has sought a writ of Certiorari for quashing order dated 19.9.1995 passed by the Managing Director, PRTC, Patiala (P.9) whereby his representation for re-fixation of the seniority as well as grant of pay scales of Rs.1500-2640/- has been rejected.

It is contended by learned counsel for the petitioner that the representation of the petitioner has wrongly been rejected by the Managing Director, PRTC as he was entitled for seniority over and above that of Assistant Store Keepers, Diesel Pump Attendants and Ticket Stock Verifiers.

On the other hand, learned counsel for the respondent-PRTC has argued that the petitioner was appointed as Store Keeper vide order dated 09.1.1990 in the pay scale of Rs.1200-2100/- and as per 3<sup>rd</sup> pay revision report, the post of Store Keeper, Assistant Store Keeper, Diesel

Pump Attendants and Ticket Stock Verifiers were merged in the single cadre i.e Clerks and these categories were given the pay scale of Rs.1500-2640/-, Rs.1200-2100/- and Rs.950-1800/- in the ratio of 40%, 40% and 20% respectively w.e.f 01.1.1986 and since the petitioner was appointed after the implementation of the report i.e 09.1.1990 in the pay scale of Rs.1200-2100/-, therefore his claim for pay scale of Rs.1500-2649/- is not acceptable and rightly rejected.

Heard learned counsel for the parties and perused the paper book with their able assistance.

It is not in dispute that on the basis of proceedings, Pay Revision Committee held on 6.11.1991 (P.2) in the office of Secretary to the Government of Punjab, Department of Transport, Chandigarh, it was *inter alia* decided:

*“It was observed that Finance Department has already advised Punjab Roadways and PRTC to amend the rules regarding merger of Store Keepers, assistant Store Keepers/Cashiers/Assistant Cachiers/Diesel Pump Attendants and Ticket Stock Verifier Clerks in the cadre of Clerks. The Managing Director informed that in the PRTC Amendments in the Rules in respect of Storekeepers/Assistant Store Keepers, Diesel Pump Attendants & Ticket Stock Verifier Clerks has already been approved by the Board of Directors of the PRTC merging these categories in the cadre of Clerks and declaring them as Clerks. The Pay Revision Committee, therefore, decided to give the grade to these categories at par with Clerks w.e.f 1.1.1986 at the ratio of 20:40:40 jointly with clerks. As regards Cashier/Asstt Cashier, it was decided that PRTC should get the approval from the Board of Directors for the merger of these two categories into Clerks and for making necessary amendments in the rules. Thereafter, the case may be resubmitted to the Pay Revision Committee.”*

A further perusal of order dated 4.12.1991 (P.3) clearly

reveals that posts of Store Keepers, Assistant Store Keepers, Diesel Pump Attendants and Ticket Stock Verifiers have been granted the pay scale of Rs.1500-2640/-, Rs.1200-2100/- and Rs.950-1800/- in the ratio of 40:40:20 by way of joint seniority with Clerks w.e.f 01.1.1986.

Undisputedly, the petitioner was inducted into service of the respondent only on 09.1.1990 and there is no reason to grant him the pay scale of Rs.1500-2640/- on the basis of 3<sup>rd</sup> Pay Commission Report, which was made effective w.e.f 1.1.1986. Still further, the order dated 22.6.1992 (P.11) clearly indicates that in compliance of order dated 4.12.1991 (P.3), 40% of Clerks, Senior Clerks, Sks,ASKs, Cashier and TSVC have been given the pay scale of Rs.1500-2640/- on the basis of joint seniority w.e.f 1.1.1986. Again order dated 22.6.1992 (P.12) also shows that 40% of Clerks, Senior Clerks, Sks,ASKs, Cashier and TSVC have been granted the pay scale of Rs.1200-2100/- on the basis of joint seniority w.e.f 1.1.1986; but the order granting the pay scale of Rs.950-1800/- in favour of remaining 20% employees has not been placed on record by the petitioner for the reasons best known to him.

In view of the facts and circumstances narrated hereinabove, it is clearly established that the decision of Board of Directors granting the pay scale of 40:40:20% to the single merged cadre of all categories as Clerks w.e.f 01.1.1986 have been duly implemented by the respondents in a transparent and fair manner. The petitioner has no right to claim the benefit of pay scale of Rs.1500-2640/- as he was not ever borne in the cadre on 1.1.1986.

In view of the aforesaid, this Court finds no merit in the present writ petition and the same is dismissed.

**October 7<sup>th</sup> , 2016**  
**manoj**

**( JASWANT SINGH )**  
**JUDGE**

Whether speaking/reasoned: Yes/No  
Whether Reportable : Yes/No