

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

Date of decision: 7.1.2016

CWP No.15020 of 2012

Amarjit Kaur & anr. ... Petitioners

Versus

State of Punjab & anr. ... Respondents

CWP No.22272 of 2012

Nachhattar Kaur & ors. ... Petitioners

Versus

State of Punjab & anr. ... Respondents

CWP No.1869 of 2015

Gurminder Pal Kaur ... Petitioner

Versus

State of Punjab & anr. ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. RK Malik, Sr. Advocate, with
Mr. AS Syan, Advocate,
for the petitioners (in CWPs No.15020 and 22272 of 2012).

Mr. R.K. Arora, Advocate,
for the petitioner (in CWP No.1869 of 2015).

Mr. Inqulab Nagpal, A.A.G., Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. This order will dispose of writ petitions bearing No.15020,
22272 of 2012 and 1869 of 2015 as common questions of law and fact
are involved in them which can conveniently be decided by a common

order. The facts are taken from CWP No.15020 of 2012 for the sake of

convenience.

2. The petitioners are Lady Social Workers in the Department of Welfare for Scheduled Castes and the Backward Classes, Punjab. Their posts along with posts of Male Social Workers were equated to that of the Clerk in terms of the Schedule 'C' of the notification dated January 21, 1969 issued by the Punjab Government in exercise of powers conferred by the proviso to Article 309 read with Clause (3) of Article 187 of the Constitution of India. The President of India after consultation with the Chairman of the Punjab Legislative Council and the Speaker of the Punjab Legislative Assembly was pleased to frame the rules of service. Initially, the existing pay scale of Lady Social Workers and Male Social Workers was Rs.60-4-80/5-100, which was revised to Rs. 110-200 in 1969 when the twin posts were equated with those of Clerks. Equation continued till the 5th Pay Commission recommendation came w.e.f. 1.1.2006 and on December 1, 2011, without there being any just and cogent reason, the equation between the two set of posts has been disturbed and pay scales fixed accordingly. Thus, Lady Social Workers began to get the scale of Rs.5910-20200+GP Rs.2400/-. This position has been disclosed in the additional affidavit filed by the petitioner which fact has not been controverted by filing a counter. It is also not the case that the recruitment qualifications of the two posts have been drastically changed justifying departure.

3. Mr. R.K. Malik, learned Senior counsel appearing for the petitioner to press his case relies on the decisions of this Court in **Kirpal**

Jeet v. The State of Punjab, 1987(4) SLR 594, **Dr. Sukhdev Singh &**

ors. v. The State of Punjab & anr., 1991(1) RSJ 363, **Babu Ram v. State of Haryana**, 2000(3) RSJ 734 and **Pritam Dass v. State of Punjab**, 2001(3) RSJ 357. These judgments are of help to the present petitioners in resolving the dispute. There is hardly any doubt that the equation held ground from 1969 to 2011 and this long period of time creates a vested and accrued right in the petitioners for continued parity based on equating the posts since 1969.

4. For the foregoing reasons, the three writ petitions are allowed. The State is directed to restore the equation and the pay of both the groups be brought at par. The petitioners are held entitled to the same pay-scale and other benefits arising consequentially and the arrears now be computed and paid to the petitioners calculated from 36 months prior to the date of filing of the petitions.

5. However, as far as promotion is concerned to the higher post, the petitioners will be at liberty to make a comprehensive representation to the competent authority in the State Government within 45 days for its consideration toward granting them promotion in accordance with law and the rules applicable from the due dates, if they are otherwise eligible. On this point opinion is not expressed and is left to the promoting authority, in the first instance.

(RAJIV NARAIN RAINA)
JUDGE

7.1.2016
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