

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16310-2012 (O&M)
Date of decision: 01.08.2016

Pritam Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Jag Nahar Singh, Advocate for the petitioner
Mr.Rajat Bansal, AAG Punjab

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

The prayer of the petitioner in this writ petition was that he should be granted revised Pay Band of Rs.15600-39100 plus Grade Pay of Rs.6600/- with initial pay of Rs.25250/-. It is stated that as a result of the revision of the pay, the Superintendent was getting higher pay than the Registrar. Superintendent is feeder cadre of the Registrar. The enhanced pay band and grade pay is sought on the basis of parity sought to be made with the Deputy Controller (F&A), Deputy Director, Food & Supplies, Deputy Director, Language Department. The State Government while passing speaking order dated 6.7.2012 (Annexure P11) in pursuance to the directions given by this Court on 21.3.2012, in the earlier writ petition filed by the petitioner bearing CWP No.5177 of 2012, has referred to the mode of recruitment, qualifications, duties, functions and responsibilities and denied the same pay scale and the grade pay. However, during pendency of the writ

petition, vide letter dated 23.9.2014, which is produced today by the State and is taken on record, the Pay Band of Rs.15600-39100 plus 5700 Grade Pay has been approved for the post of the Registrar held by the petitioner. Further orders dated 26.12.2014 have been produced today on file showing that starting pay has been given to the petitioner at Rs.25510/- against Rs.25250/- claimed by the petitioner with Grade Pay of Rs.5700/-.

Now, only question surviving for consideration before this Court is as to whether the petitioner can seek parity of Grade Pay with Deputy Controller (F&A), Deputy Director, Food & Supplies, Deputy Director, Language Department, who were earlier granted the same pay scale? I am of the view that the grant of pay band and grade pay is the prerogative of the Executive. The State, after considering the qualifications, mode of recruitment, duties, functions and responsibilities, has granted different grade pay and pay band to different rank of officers. I am of the considered view that this Court cannot interfere in the grant of grade pay and direct the State to grant the same grade pay to the petitioner as granted to Deputy Controller (F&A), Deputy Director, Food & Supplies, Deputy Director, Language Department. In this way, the most of the relief has already been granted to the petitioner and for the grade pay, this Court declines to interfere.

The petition is accordingly partly allowed and partly dismissed.

01.08.2016
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes/ No
Yes/No