

CWP No.14148 of 2016

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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.14148 of 2016

Date of decision: 07.10.2016

Ravinderjit Singh and Ors.

....Petitioners

Vs.

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. M.S. Rana, Advocate for the petitioners.

Jaswant Singh, J

The five petitioners, who are working as Ticket Verifiers in different depots of Punjab Roadways, have prayed for issuance of a writ of Certiorari for quashing the impugned order dated 29.4.2016 (**P.10**) passed by respondent No.4 whereby their claim for grant of higher grade pay at par with the Conductors along with two additional increments, has been rejected.

It is contended by learned counsel for the petitioners that in view of the nature of duties performed by the petitioners, they are entitled to the same grade pay as equivalent to the post of Conductor along with two additional increments and more so on the settled proposition of law that the parity in pay scales once granted cannot be changed without the authority of law at the subsequent stage.

Heard learned counsel for the petitioners and perused the paper book with his able assistance.

A perusal of impugned order clearly reveals that on an earlier occasion also, the petitioners had filed CWP No.26314 of

2014 and the same was disposed of by this Court vide order dated 06.5.2015 (**P.9**) with a direction to the respondents to consider and decide the legal notice dated 24.6.2014 (**P.8**) according to law within a period of three months. In compliance of the abovesaid directions, respondent No.4 has passed the impugned order and rejected the claim of the petitioners.

The petitioners are claiming to enhance their grade pay from Rs.1900/- to Rs.2400/- at par with Conductors on the ground that the qualification for both the posts is the same but the same cannot be the only criteria for grant of similar pay scale to both the posts. Law is well settled to the effect that grant of pay scale in a Government Department to a particular post is the function of Pay Commission/Committee etc and in case there is any anomaly, the same can be considered by the Anomaly Committee if the Government so desires.

The impugned order clearly speaks that State of Punjab had constituted the Pay Commission and examined the educational qualifications, duties and responsibilities of different posts and made certain recommendations. It is also necessary to mention here that such an exercise is usually undertaken after every ten years. In the present case also, after making recommendations, the employees have been informed to send their objections, if any to the Anomaly Committee but no such objection was received on behalf of the petitioners by the Anomaly Committee. It is necessary to mention here that the employees, who had submitted their suggestions or objections to the Anomaly Committee, the same were duly considered and in the deserving cases, the

anomalies were removed. Once it is established that the petitioners did not raise any objection before the Anomaly Committee for claiming the relief of pay scale at the appropriate time, then there is no justification to invoke the jurisdiction of this Court under Article 226 of the Constitution.

In view of the aforesaid, this Court does not find any illegality or infirmity in the impugned order dated 26.4.2014 passed by respondent No.4.

Dismissed.

October 07, 2016

(JASWANT SINGH)

manoj

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No