

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.25363 of 2015

Date of decision: 18.3.2016

Paramjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Sandeep Arora, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the order dated 25.2.2015 (Annexure P/6) whereby respondent no.1 has rejected the claim of the petitioner for the removal of anomaly in his pay and stepping up of the same.

The petitioner in his representation had claimed parity with Mr. Rajiv Pal Singh and Mr. Sukhwant Singh, who are working as Assistant Engineers (Electrical) on the ground that they are working in the same cadre, same post and in the same pay scale.

Respondent no.1 has recorded that the said persons were appointed on 17.10.1990 as Assistant Engineers (Electrical). The petitioner was appointed as Trainee Assistant Engineer in the year 1990 and was promoted as Assistant Engineer (Electrical) vide order dated 22.11.1995. It was further observed that it is not a grant of higher pay scale to the aforesaid two persons but of correction of anomaly that had been created when junior officers in the merit list had been granted higher initial pay scale and that the petitioner was much junior to both of them. Resultantly the representation has been rejected.

A perusal of the final seniority list which is placed on record as Annexure P/12 by the petitioner would also go on to show that the said persons were appointed on 3.11.1990 and 31.10.1990 respectively and they were regularised on 3.11.1991 and 31.10.1991 respectively and figured at serial nos.8 and 9 in the seniority list. The petitioner figured at serial no.14 in the seniority list and his date of joining is 28.11.1995 and date of regularization is dated 28.11.1997 is six years later.

The argument raised that the petitioner was appointed in December, 1990 is without any justification. Copy of the impugned order (Annexure P/6) would go on to show that the appointment of the petitioner was to the post of Trainee Assistant Engineer. It has been recorded that he was promoted thereafter as Assistant Engineer (Electrical) therefore parity in 1990 cannot be claimed. Therefore, findings which have been recorded by respondent no.1 do not suffer from any infirmity which would require interference in exercise of jurisdiction under Article 226 of the Constitution of India.

Accordingly, the present writ petition is dismissed.

March 18, 2016
Pka

(G.S.SANDHAWALIA)
Judge