

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

CWP No.2917 of 2014
Date of Decision : 20.10.2016

Satish Sharma

..... Petitioner

versus

State of Haryana and another

..... Respondent

CORAM : HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. S.P. Chahar, Advocate
for the petitioner.

Mr. Harish Rathee, Senior Deputy Advocate General, Haryana.

Mr. Anurag Goyal, Advocate
for respondent No.2.

Anupinder Singh Grewal (Oral)

The petitioner, who is working as Foreman in the respondent-
University is seeking direction to grant him the pay-scale of ₹5500-9000
w.e.f. 03.03.2001 whereon he was promoted to the post of Foreman.

The petitioner was appointed as Proof Reader-II on 01.04.1980.

He was promoted to the post of Proof Reader-I on 04.08.1990. Thereafter,

the petitioner was promoted on the post of Foreman, vide order dated 01.03.2001 in the pay-scale of ₹5000-7850 and he joined as such on 03.03.2001.

Learned counsel for the petitioner has contended that the petitioner deserves to be placed in the pay-scale of ₹5500-9000, which is applicable to the post of Foreman. Satish Malik another Foreman had been granted this pay-scale of ₹5500-9000.

Learned counsel has also contended that one Subhash Chander, who was promoted on the post of Foreman on 14.09.2004 had also been granted the pay-scale of ₹5500-9000. Lastly, learned counsel for the petitioner has contended that the case of the petitioner for grant of the pay-scale of ₹5500-9000 had also been recommended by the Committee of Registrars of four Universities on 06.11.2001.

On the contrary, learned Senior Deputy Advocate General for respondent No.1 has contended that Satish Malik, who had been granted the pay-scale of ₹5500-9000 was directly appointed as Foreman on 27.12.1982 and Subhash Chander was in fact an employee of the Haryana Government and the petitioner thus cannot claim any parity with the two employees. He has also contended that the State Government was not bound by the recommendation of the Committee of Registrars of Universities and keeping in view the fact that the pay-scale of Foreman in all other Universities was ₹5000-7850, the recommendation was rejected by the State Government.

I have heard the learned counsel for the parties and with their assistance perused the writ petition.

This litigation has a chequered history. The petitioner had

represented to the respondents for the grant of the pay-scale of ₹5500-9000 on 10.09.2002, which was rejected by the respondents on 14.07.2003. The petitioner once again represented to the respondents on 22.07.2003 but the respondents did not take any action in the matter. The petitioner preferred CWP No.6832 of 2004 before this Court, which was dismissed as withdrawn with liberty to the petitioner to approach the higher authorities, vide order dated 29.04.2004. The petitioner is stated to have represented to the higher authorities but when they did not respond, the petitioner once again approached this Court by preferring CWP No.10484 of 2005, which was disposed of on 14.07.2005 with a direction to the respondents to pass a speaking order on the representation of the petitioner. In pursuance to the order of the Court, the representation of the petitioner was considered and rejected, vide order dated 12.12.2005. The petitioner yet again approached this Court by preferring CWP No.18473 of 2008, which was disposed of on 03.02.2011 with a direction to the respondents to re-consider the matter.

The respondents rejected the case of the petitioner vide order dated 15.09.2011 which is impugned in the instant petition.

It is manifest that Satish Malik, who was granted the pay-scale of ₹5500-9000 had been appointed directly on the post of Foreman on 27.12.1982. In the meantime, the respondents had issued instructions on 30.10.1998 wherein the pay-scale of various non-teaching posts in the respondent-University were revised. In these instructions, pay-scale for the post of Foreman has been prescribed as ₹5000-7850. It has been specified that keeping in view the qualification and parity of the post in other

Universities, the pay-scale of ₹5000-7850 will be accorded to the new

recruits in future after the date of issuance of these instructions. However, in these instructions it has also been stipulated that incumbents working on the post of Foreman, who have been placed in the pay-scale of ₹5500-9000 shall continue to draw same pay-scale. The petitioner was promoted as Foreman on 01.03.2001 after the issuance of the instruction on 30.10.1998 and hence been rightly placed in the pay-scale of ₹5000-7850.

Learned counsel for the petitioner has not been able to draw my attention to any other Rules or Instructions wherein the pay-scale of ₹5500-9000 is prescribed for the post of Foreman in the respondent-University.

Insofar as the case of Subhash Chander is concerned, it is evident from a bare look at Gradation List (Annexure P-15) wherein pay-scale of ₹5500-9000 is mentioned against his name, that it pertains to the employees working with the Government of Haryana. There is no document or any order on the record of the writ petition, which would indicate that the pay-scale of the employees working on non-teaching post in the respondent-University shall be at par with the employees of the State Government. Furthermore, the Committee of Registrars had recommended the case of the petitioner for the grant of higher pay-scale but ultimately the decision in this regard had to be taken by the State Government. The State Government in its own wisdom had decided that fresh recruits to the post of Foreman after the issuance of instructions dated 30.10.1998 were to be placed in the pay-scale of ₹5000-7850, which was the pay-scale of the Foreman in all the four Universities in the State of Haryana and, hence there is no illegality or arbitrariness therein.

For these reasons, I do not find any merit in the case of the

petitioner for the grant of the pay-scale of ₹5500-9000 w.e.f. the date of his promotion.

In the result, the petition stands dismissed.

October 20, 2016
jt

(ANUPINDER SINGH GREWAL)
JUDGE

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