

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

CWP No.7293 of 1995

Date of Decision:08.02.2017

Sant Parkash

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. V.B. Aggarwal, Advocate for the petitioner.

Mr. Harish Rathee, Sr. D.A.G. Haryana.

Mr. Bikram Chaudhary, Advocate for respondent No.4.

P.B. BAJANTHRI J.

In the instant writ petition, the petitioner has sought for mandamus directing the respondents to remove the anomaly of pay scale of the petitioner and to extend the benefit of pay scale attached to the post of Water Rate Inspector.

The petitioner has joined service as Vaccinator in the then Municipal committee, Thanesar on 1.11.1965. He was promoted to the post of Clerk on 1.5.1972. Thereafter three posts of clerks held by the petitioner, Shri. Ram Sarup and Shri Shiv Dayal were upgraded "Promotion of employees to the upgraded post". Further the name of the petitioner is reflected in the final seniority list of Inspectors and equivalent cadres in which name of the petitioner appears at serial no.21 and source of appointment to the post of inspector has been indicated in column No.6 "as promotion".

In view of these facts and circumstances, learned counsel for the petitioner submitted that the petitioner is entitled to pay scale attached to the post of Inspector i.e. Rs.1200-2000 instead of Rs.950-1500.

On the other hand, learned counsel for respondent No.4 submitted that the petitioner was not promoted and what has been done by Deputy Commissioner, Kurukshetra is the post of clerks held by the petitioner, Shri Ram Sarup and Shri Shiv dayal was upgraded to that of Inspector. Therefore, it is not a promotion. It was further contended that on 5.5.1993, the petitioner was directed to work as a Tehbazari (Clerk). Therefore, the petitioner is not entitled for pay scale attached to the post of Inspector. He was never promoted to the post of Inspector so as to claim the benefit of pay scale attached to the post of Inspector i.e. Rs.1200-2000.

Heard learned counsel for the parties.

Perusal of Annexure P-1, it is evident that while the petitioner was working as a clerk among two others, the posts were upgraded and the petitioner was promoted vide order of the Deputy Commissioner, Kurukshetra dated 25.1.1983 (Annexure P-1). Name of the petitioner has been shown in the final seniority list of Inspector dated 14.11.1988 in which against the name of the petitioner at serial No.21, it has been stated that source of appointment is by promotion. That apart the petitioner pointed out from one of the document of the year 1999 wherein while he was holding the post of Inspector, he was directed to hold the post of Superintendent as Additional Charge. Having regard to these official documents, it is evident that the petitioner was working as a Inspector. Therefore, the contention of the respondent that he was posted as a Tehbazari (Clerk) cannot be considered since it is an isolated document. Having regard to the up-gradation order read with final seniority list of Inspector and the fact that he was asked to hold additional charge of higher post of Superintendent, the petitioner is entitled for pay scale attached to the post of Water Rate

Inspector in the pay scale of Rs.1200-2000.

Accordingly, the respondents are directed to extend the benefit of pay scale of the Inspector post to the petitioner in the pay scale of Rs.1200-2000 and re-fix his pay. Further consequential monetary benefits shall be calculated and disbursed. The above exercise shall be completed by the concerned respondent within a period of six months from today.

The petition stands allowed.

08.02.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No