

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

CWP No.9175 of 2000 (O&M)

Date of Decision: May 26, 2017

Daljit Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. G.S. Attariwala, Advocate  
for the petitioners.

Ms. Lavanya Paul, Asstt. AG Punjab.

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**JAISHREE THAKUR, J. (Oral)**

1. The petitioners herein who are employees/retired employees of the State Transport Department in the State of Punjab, have filed the instant writ petition seeking revision of their pay to be made effective from 01.01.1986 instead of 07.01.1994.

2. In brief the facts are, the petitioners were appointed either by way of direct recruitment or through promotion from amongst Booking Clerks, Conductors and Adda Conductors as Inspectors with the State Department. Prior to the First Pay Commission the pay scales of Inspectors of the Punjab Roadways was Rs.90 – 160 and whereas the pay of Inspectors of Food and Supplies Department was that of Rs. 80 – 150. Subsequently, Inspectors of Punjab Roadways were granted the pay scale of Rs.140 – 300

vide letter No. 38.11.80 – 9F I R/10112 dated 04.12.1981, whereas Inspectors of Food and Supplies Department were granted a pay scale of Rs. 140–300 with selection grade of Rs.160–400. On the recommendation of the Second Punjab Pay Commission, the petitioners' category was granted revised pay scale of Rs.510 – 940 with selection grade of 20% of Rs. 618 – 1120, whereas, Inspectors of the Food and Supplies Department were granted the scale of Rs. 570–1080 with selection grade of Rs.700 – 1200. The Inspectors of the Punjab Roadways Department, who were initially placed in the higher pay scale than that of Inspectors Food and Supply Department were placed in a lower pay scale and this created a pay anomaly. Again on the recommendation of the Third Punjab Pay Commission, Inspectors of Punjab Roadways Department were granted a revised pay scale of Rs. 510 – 940 and selection grade of Rs.510 – 940 and selection grade of Rs.620 – 1180 to Rs.1350 – 2640 w.e.f. 01.01.1986 whereas, Inspectors of the Food and Supplies Department were placed in the scale of Rs. 1500 – 2640 w.e.f. 01.01.1986 which further created another anomaly. This was again revised to Rs. 1640–2925 w.e.f. 01.01.1986. The Inspectors of the Punjab Roadways Department represented against the pay anomaly that had been created, seeking parity with Inspectors working in other departments and the same was revised to Rs. 1500–2640 and the pay scale of the Chief Inspector/Station supervisor was revised to Rs. 1800 – 3200 w.e.f. 24.05.1991. The staff of Punjab Roadways went on a day's strike to protest about the pay anomaly and pursuant thereto it was decided on 07.01.1994 to grant of pay scale of Rs.1640–2925 to Inspectors of Punjab Roadways who completed 15 years of service as Inspectors w.e.f.

07.01.1994. The petitioners approached the Department concerned for removal of their grievances, but to no avail. The representation was rejected by Annexure P-9 leading to the filing of the instant writ petition.

3. Mr. G.S. Attariwala, learned counsel appearing on behalf of the petitioners contends that at the very beginning the Inspectors of Punjab Roadways were in a higher pay scale than the Inspectors working in the Food and Supplies Department. It is only in the Second and Third Punjab Pay Commission, that an anomaly arose in the pay scale by which Inspectors working in the Food and Supplies Department were put on a higher pay bracket. Learned counsel submits that in similar set of circumstances, the Statistical Assistants/Research Assistants filed **CWP No. 1283 of 1996** titled as **Swaran Singh and others versus State of Punjab and others** claiming revised pay scale w.e.f. 01.01.1986 instead of 01.01.1994 (as has been done in the case of the petitioners) and the writ petition was allowed holding that a revision of pay scale is to be made effective from 01.01.1986. It is argued pay parity should not be disturbed on revision of pay scales and also that the pay anomaly should be removed from the date of revision of pay scale as given to other Inspectors working in different departments and not made effective from a subsequent date arbitrarily.

4. Per contra, Ms. Lavanya Paul, learned Assistant Advocate General argues that the petitioners would have no reason to approach this court since the pay scale of the Inspectors of the Punjab Roadways stood revised on 07.01.1994, in which notification it was specifically mentioned that the scales would be applicable prospectively. It is argued that the

notification has to be implemented as a whole and not piecemeal. It is also argued that it is within the domain of the State Government to prescribe a cut-off date for giving any benefits to its employees. It is further urged that equation of pay matters are primarily the concern of the State Government and not the Courts and therefore urges that this writ petition should be dismissed.

5. I have heard the counsel for the parties and with their assistance have also gone through the record of the case.

6. There is no dispute that Inspectors working with the Punjab Roadways were initially in the higher pay scale as of Inspectors working in the Food and Supplies Department. This anomaly continued on subsequent pay revisions as recommended by the Punjab Pay Commission. Eventually, the matter was agitated and a decision was taken to bring the pay scale of Inspectors working with the Punjab Roadways on par with Inspectors working in the Food and Supplies Department, but while doing so the revision was made prospective in nature, that is to be made applicable from 07.01.1994 with a further stipulation that the same would be made available only to those Inspectors, who had served 15 years with the Department. The grievance of the petitioners herein is that there is no justification for making the pay revision applicable from 07.01.1994 when similarly situated Inspectors working in different departments have been given the benefit of revision in pay w.e.f. 01.01.1986. There is no reasonable explanation coming forth for denial of the same, especially in view of the fact that Inspectors of different Departments have been given the benefit of revision in pay scale w.e.f. 01.01.1986. A reading of the impugned order Annexure

P-9 by which the representation of the petitioners stood rejected, does not reveal any consideration as to why the petitioners would not be given the benefit of revision w.e.f. 01.01.1986.

7. It is true, that it is the prerogative of the State Government to fix the pay scale, but it is equally true that the action of the respondents should not be arbitrary or whimsical. In case, the State would like to deny grant of a particular relief, there must be cogent and valid reasons for doing so. The action of the State is always subject to challenge in case such action is discriminatory and violative of Article 14 and 16 of the Constitution of India. The doctrine of classification is recognised which empowers the State Government to classify similarly situated persons and things into different groups for the purpose of subjecting them to different treatment. The burden of proof of the necessity to create different categories within similarly situated persons, would lie upon the authority doing so. However, such classification has to be reasonable or have a rational nexus with the object sought to be achieved otherwise, it will suffer from the vice of discrimination.

8. In the case in hand the petitioners who were admittedly in a higher pay scale, were granted the relief of being brought on par with Inspectors of various departments but with a condition that the same would be prospective. As noticed above there is no rational in doing so nor any explanation forthcoming from the pleadings. The respondents have failed to prove that fixation of different dates for grant of revised pay has any rationality behind it, other than it being wholly discriminatory in nature. Moreover, there also seems to be no rationale in fixing a minimum length of

service of 15 years as an Inspector to get the benefit of revised pay when no such condition seems to have been imposed on Inspectors working in different departments.

9. It would also be pertinent to note that a writ petition was filed in this court titled as **Swaran Singh and others Versus State of Punjab and others CWP No. 1283 of 1996** decided on 7.1.1996, wherein a similar issue arose for consideration. The petitioners impugned the notification to the extent that it revised the pay scale of the petitioners w.e.f. 01.01.1994 instead of 01.01.1986. The Division Bench allowed the writ petition on the ground that there was no reasonable explanation forthcoming as to why the petitioners were not being given the benefit of revised pay scale w.e.f. 01.01.1986 as had been given to the counterparts of the petitioners working in different departments.

10. Therefore in view of the above the writ petition is allowed and the date of 07.01.1994 specified in the order with the condition of 15 years in service is hereby set aside and the respondents are directed to amend the said date so as to make the revision of pay scale effective from 01.01.1986. The petitioners would be entitled to all consequential benefits thereafter.

**May 26, 2017**  
vijay saini

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No