

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

CWP No.1485 of 2006 (O&M)

Date of Decision:02.03.2017

Promila

... Petitioner

Vs.

State of Haryana and others

... Respondents

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

Present : Mr. R.K. Malik, Sr. Advocate with
Mr. Kuldeep Sheoran, Advocate for the petitioner.

Mr. D.S. Nalwa, Addl. A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant petition, the petitioner has questioned the validity of the order dated 6.1.2006 by which the grievance of the petitioner relating to grant of pay scale of Rs.2000-3500/- from the date of appointment to the post of Lady Warden in the Kurukshetra University has been declined by the State Government. Further sought for writ of mandamus to extend the pay scale of Rs.6500-10500 + special allowance on par with Savita Jaiswal and Pushpa Sharma who are recruited prior to the petitioner.

The respondent-University advertised the post of Lady Warden in the month of April 1996. The petitioner is candidate for the recruitment. She was selected and appointed to the post of Lady Warden. She has been extended the pay scale attached to the post of Lady Warden of Rs.1600-2660 instead of Rs.2000-3500. The petitioner approached official respondents for extending the pay scale from Rs.1600-2660 to Rs.2000-3500 on par with other similarly situated persons who are appointed prior to the petitioner. In this regard matter was under correspondence between the University and the Government. Even though University recommended for

extending the pay scale of Rs.2000-3500 with corresponding revised pay scale of Rs.6500-10500 but the State Government rejected the petitioner's plea. At that stage, petitioner has approached this Court and obtained an order that the concerned respondent to consider the grievance of the petitioner. In compliance to direction, an order 6.1.2006 has been passed by the respondents vide which claim of the petitioner for pay scale of Rs.2000-3500 corresponding revised pay scale of Rs.6500-10500 as on 1.1.1996 has been rejected on 6.1.2006. Thus, the present petition has been filed.

Learned counsel for the petitioner contended that the persons who were appointed prior to the petitioner were getting higher pay scale of Rs.2000-3500 for the post held by the petitioner. It was further submitted that there cannot be discrimination of pay scale in a post when the duties, responsibilities and qualifications are identical. In support of this contention, learned counsel for the petitioner relied on a decision of this Court passed vide Annexure P-13 which was confirmed by the LPA bench vide Annexure P-15 as also by the Supreme Court. It was further submitted that as on 30.10.1998 pay scale to the post of Lady Warden was Rs.2000-3500. Only on 30.10.1998, the State Government took a policy decision that from 30.10.1998 onwards pay scale to the post of Lady Warden would be Rs.5450-8000 with reference to pre revised pay scale of Rs.1600-2660. In view of these facts and circumstances, having regard to the fact that the petitioner was appointed prior to 30.10.1998, she is entitled for pay scale of Rs.2000-3500 corresponding revised pay scale of Rs.6500-10500.

On the other hand, learned State counsel resisted the petitioner's claim contending that in the State department scale of the post of Lady Warden is Rs.1600-2660. The State Government has taken a

decision that the scale to the post of Lady Warden would be Rs.1600-2660 corresponding pay scale of Rs.5450-8000 for future recruitment as per the Government pattern. Therefore, the petitioner is not entitled for the pay scale of Rs.2000-3500 and corresponding revised pay scale of Rs.6500-10500/-. It was further submitted that even though the petitioner was appointed on 25.1.1997 in the pay scale of Rs.1600-2660 but she has not agitated her grievance from 1997 to 2004. Hence, she is not entitled for relief sought in the present petition.

Heard learned counsel for the parties.

Question for consideration in the present case whether the petitioner is entitled to pay scale of Rs.2000-3500 corresponding revised pay scale of Rs.6500-10500 as on 1.1.1996 or not?

Perusal of advertisement (Annexure P-1) dated 1.4.1996, it is evident that against Lady Warden post pay scale has been shown as Rs.2000-3500. Whereas the petitioner was appointed in the pay scale of Rs.1600-2660. The petitioner came to know that the persons who were working in the post of Lady Warden in the University are drawing higher pay than the petitioner. Thus, she proceeded to demand the pay scale of Rs.2000-3500. The same was under correspondence for not taking decision. The petitioner has approached this Court. This Court has given direction to consider the grievance of the petitioner and the respondents have rejected the claim of the petitioner. The rejection of the petitioner's claim is with reference to the decision taken on 30.10.1998 that the scale to the post of Lady Warden would be Rs.1600-2660 corresponding revised pay scale Rs.5450-8000. Therefore, the petitioner is not entitled. Having regard to the advertisement, date of appointment of the petitioner and the policy

decision taken by the State Government that the pay scale to the post of Lady Warden has been revised as Rs.1600-2660. Therefore, Lady Warden post cannot have the higher pay scale of Rs.2000-3500. While taking such decision, it is made clear that such pay scale of Rs.1600-2660 corresponding revised pay scale of Rs.5450-8000 would be for future recruitment. Therefore, the decision is very clear that it would be applicable prospectively i.e. from 30.10.1998. Therefore, such decision taken by the State Government has no application to the case of the petitioner since petitioner was appointed prior to 30.10.1998 i.e., on 21.5.1997.

In view of the above facts and circumstances, order dated 6.1.2006 (Annexure P-12) is set aside. The respondents are directed to extend the benefit of pay scale of Rs.2000-3500 corresponding revised pay scale of Rs.6500-10500 to the petitioner on notional basis from the date of appointment till June 2004. Further the respondents are directed to calculate and disburse the arrears of salary from the month of July 2004 to till date within a period of four months from today for the reasons that petitioner did not agitate her grievance during the period from the year 1997 till 2004..

Petition stands allowed.

02.03.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No