

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-11th May, 2017

CWP No.15063 of 2014(O&M)

Pankaj Sharma & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. A.K. Chopra, Senior Advocate assisted by
Mr. Akshit Chaudhary, Advocate for the Petitioner.

Mr. Anant Kataria, Deputy Advocate General, Punjab.

JASWANT SINGH, J.

Prayer in the present petition is for grant of equivalent pay to the petitioners, who are working as Inspectors (Audit) in the Punjab Cooperative Department with the Junior Auditors working in other departments. Further, prayer has been made for directing the respondents to grant grade pay of Rs.4400/- and initial pay of Rs.17420/- in the revised pay scale w.e.f. 01.12.2011 in the Pay Band of 10300-34800 as has been granted to Junior Auditors of the other departments.

The case of the petitioners is based upon the Judicial Orders passed time and again by this Court whereby it has been held that Inspectors (Audit) in the Punjab Cooperative Department have been equated with the Junior Auditors of other departments in the State of

Punjab. Reliance has been placed upon the numerous orders passed by this Court right from 06.12.1993 in CWP No.2216 of 1992 which has been upheld upto the Hon'ble Supreme Court vide order dated 21.11.1994 (P-4) as well as order dated 26.02.2003 passed in CWP No.14174 of 1995 (P-6) which again has been upheld upto the Hon'ble Supreme Court vide order dated 8.6.2010 (P-10). However, the grievance of the petitioner is that despite they being equated by this Court and held entitled to same pay as those of the Junior Auditors, vide order dated 15.12.2011 (P-13)/ 21.12.2011 (P-14), again the State of Punjab has granted higher pay scale to Junior Auditors working in other departments and a lesser pay scale to the Inspectors Audit working in the Punjab Cooperative Department w.e.f. 01.12.2011 and thereby creating a disparity amongst the cadres again. Thus, prayer has been made for allowing the instant writ petition.

On the other hand learned counsel for the respondents have vehemently argued that the government has implemented the recommendations of the 5th Pay Commission as well as the Anomaly Committee constituted to look into the anomalies arising out of the implementation of the Punjab Fifth Pay Commission. Even the recommendations of the Cabinet Sub Committee constituted on 20.10.2011 have been implemented. Thus, keeping in view the position, the Finance Department (Finance Personnel-I Branch) issued instructions dated 23.05.2012 (R-1) wherein a decision was taken that demand of any enhancement shall be taken in the next pay commission. Thus, it was argued that the case of the petitioners cannot be considered at this stage. Further it has also been argued that the **Hon'ble Supreme Court in S.C.**

Chandra & Ors. Vs. State of Jharkhand & Ors. (2007) RD-SC 845 has

held that equation of posts and salary is a complex matter which should be left to an expert body only. Hence it was prayed that the Court cannot sit as an expert body to decide as to whether the Junior Auditors of other departments can be equated with the Inspectors (Audit) of the respondent department.

After hearing learned Counsel for both the sides and perusing the paper book carefully, this Court is of the considered view that the present petition deserves to be allowed.

The matter in question is as to *whether the Inspectors (Audit) working in the Punjab Cooperative Department can be granted equal pay as is being drawn by the Junior Auditors working in other departments of State of Punjab or not?*

The answer to the aforesaid question is no more *res integra*, as this Court as far back as in its order dated 26.02.2003 passed in CWP No.14174 of 1995 had directed the respondents to grant parity of pay scales to the Inspectors (Audit) with that of Junior Auditors of other departments working in State of Punjab. Admittedly, this order has been upheld, as is evident from orders dated 17.10.2008 and 08.06.2010 passed in LPA No.376 of 2003 and SLP No.4922 of 2010 respectively. Thus, it is clear that the Inspectors working in the Audit wing of the Cooperative Department have to be treated on equal footing with those of the Junior Auditors working in the other departments and, therefore, the action on part of the respondent-State to again grant a lesser pay scale to the petitioners as compared to Junior Auditors of other departments, is bad in the eyes of law and cannot be sustained.

In view of the above, the present writ petition is allowed and it

is ordered that the pay of the petitioners-Inspectors shall be refixed in the Pay Band of 10300-34800 with grade pay of Rs.4400/- with effect from 01.12.2015 in the similar fashion as has been granted to the Junior Auditors. The actual monetary benefits shall be calculated and released to the petitioners within a period of six months from the date of passing of the order.

(JASWANT SINGH)
JUDGE

May 11th, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>