

CWP No.21805 of 2012

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

Sr. No.207

**Civil Writ Petition No.21805 of 2012
DECIDED ON: December 11, 2017**

JASWANT SINGH BHATIA

..PETITIONER

VERSUS

**PUNJAB AGRICULTURAL UNIVERSITY, LUDHIANA AND
OTHERS**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Karamjit Verma, Advocate,
for the petitioner.

Mr. Deepak Agnihotri, Advocate,
for respondents No.1 to 3.

Mr. Manoj Bajaj, Additional Advocate General, Punjab.

JASPAL SINGH, J.

By virtue of the instant civil writ petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of Ceriorari quashing the order dated 28.03.2012 (P-9) passed by the respondents as well as for issuance of a writ in the nature of Mandamus directing the respondents to equate the post of Junior Proof Reader and after promotion as Senior Proof Reader held by him on the pattern of Punjabi University, Patiala and to

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direct the respondents to grant the revised pay scales from time to time has been given by that University to its employees working on the identical posts w.e.f. 01.04.1976 and 01.01.1978 on the basis of 'equal pay for equal work'.

2. The contention of learned counsel for the petitioner is that petitioner joined respondent-Punjab Agricultural University, Patiala (for short 'PAU') as Junior Proof Reader and retired as such in April, 2010 after having served for more than 36 years. The PAU has adopted the principle of Pay-Parity to various technical categories of its employees with their counterparts working on the identical posts in Punjabi University, Patiala. The matter regarding revision of pay scale w.e.f. 01.01.1978 of Junior Proof Readers working in PAU and some other posts was placed before the 82nd meeting of Finance Committee held on 27.12.1985/102nd meeting of Board of Management held on 15.01.1986 in which, the Finance Committee had desired that a reference be made to Punjabi University, Patiala to know the basis, on which, an enhancement in the pay scales of these categories over and above the Punjab Government grades was allowed by them. After obtaining the necessary information, the matter again placed before the Finance Committee in its 89th meeting held on 29.06.1987 and the committee desired that matter be considered by the already constituted sub-committee, which met on 27.10.1987 and subsequent thereto, number of times however no final decision was taken for the grant of aforesaid benefit. Ultimately, petitioner served a legal notice dated 19.05.2011, to decide the case of his

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revision of pay scales, which was pending before the concerned authorities and when no decision was taken thereon, petitioner approached this Court by way of CWP No.24073 of 2011 captioned as ***Jaswant Singh Bhatia vs. Punjab Agricultural University & ors.***, which was disposed of by this Court on 22.12.2011, with direction to the respondents that in the eventuality of the petitioner submitting a detailed representation as regards to his claim for the revision of pay scales for the post of Junior Proof Reader and Senior Proof Reader, respondents shall decide the same in accordance with law and pass an appropriate order. It was only in compliance of the said direction, impugned order dated 28.03.2012 (P-9) was passed.

3. While assailing the impugned order dated 28.03.2012 (P-9), learned counsel for the petitioner has contended that action of the respondents while passing the impugned order is arbitrarily and discriminatory in view of the fact that the Agenda Item of revising the pay scales of the petitioner on the pattern of Punjabi University, Patiala is regularly placed before almost every meeting of Finance Committee as well as Board of Management meetings but the decision in this respect is being kept pending for the last 30 years by the university authorities for one reason or the other and further that Board of Management in its various meetings has accepted the recommendations of respondents No.1 to 3, which has also been adopted by Punjabi University, Patiala and not by the respondents. Learned counsel further contended that because the impugned order is discriminatory and is liable to be set aside in view of

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the fact that the respondent-university has granted the benefit of same pay scales on the pattern of pay scales being given by Punjabi University, Patiala and GNDU, Amritsar in the case of (i) DTP Operator of PAU Press, (ii) Press Manager working in PAU Press, (iii) Time Keeper of PAU Press cadre and (iv) various other technical categories and their posts were equated with other universities employees working on same posts, whereas the post of proof reader held by the petitioner has been ignored in an arbitrary manner on the ground that the qualifications of Junior Proof Reader and Senior Proof Reader are lesser in the PAU with regard to the incumbents working on the same posts of other university. Qualifications of the posts as per Annexure P-3 clearly show that the petitioner has same rather better qualifications prescribed for the post in other universities of the State. It is further submitted that the PAU is the technical and scientific university and the incumbents working as proof readers are performing higher nature of duties i.e. editing, translation, writing articles etc. in addition to their own duties whereas other universities of the state were working for academic purpose only.

4. After having bestowed due consideration to the aforesaid submission, here it would be pertinent to mention that in view of the fact that petitioner joined the services of PAU, Patiala on the terms and conditions of service prevalent at the time of his appointment and during the entire service, he did not raise any objection, if the petitioner was so aggrieved of the salary being paid by the PAU, Patiala, he would not have joined the service and have opted for other services in some other

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department(s), where he was satisfied. The mere fact that Punjabi University, Patiala is providing better salary and other facilities does not mean that he also deserves the same, as the different institutions are to be maintained as per terms and conditions settled for running those institutions. The respondents-PAU has adopted various rules and instructions etc. issued by the State of Punjab time to time and all the employees of PAU are governed by it. For the reason that Punjabi University, Patiala is doing somewhat better and is paying salary more than Government of Punjab, does not mean that petitioner also deserves equal to the salary being given to its similar employees by the Punjabi University, Patiala. The Government has to consider the number of things especially financial burden etc. So, if the Punjab Government has not accepted the proposal even made by the PAU, does not mean that impugned order is wrong or discriminatory.

5. Without expressing any much, this Court does not find any merit in the instant petition. As such, it stands dismissed.

6. No order as to costs.

December 11, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**