IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7689 of 2014
Date of Decision:-15.05.2017.

Sunil Kumar and others

.....Petitioners

Versus

Haryana State Agricultural Marketing Board and another

......Respondents

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

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Present: Mr. R.K. Malik, Senior Advocate with
Mr. Bhupinder Malik, Advocate for the petitioners.

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

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P.B. BAJANTHRI, J. (Oral)

The petitioners have questioned validity of Annexure P-5 dated 25.2.2014 by which their claim relating to removal of anomalies in the pay scale of Accountant (Market Committee) has been rejected.

Learned counsel for the petitioners submitted that petitioners are in the cadre of Accountant (Market Committee). They were appointed directly to the said post. Promotional post to the post of Accountant (Market Committee) is Mandi Supervisor. Up to 1.1.1986, the posts of Mandi Supervisor and Accountant are having 2 pay scales i.e. ₹ 525-900 and ₹ 600-1100, respectively. When the revision of pay took place in the year 1986, pay scale of the post of Mandi Supervisor and Accountant was fixed at ₹ 1400-2600. Same anomaly continued from time to time i.e. on

1.1.1996, 1.1.2006 and 1.9.2014. In order to rectify the pay scale attached to the post of Accountant, the petitioners are stated to have submitted representation. The same was considered by the Pay Anomaly Committee on 19.2.2013. After due examination of pay scale of the Mandi Supervisor and Accountant it was recommended for higher grade pay from ₹ 3200 to ₹ 3300 so as to give higher status to the post of Accountant to that of Mandi Supervisor which is feeder cadre to the post of Accountant. While considering the recommendation on 252.2014 the Chief Administrator, HSAMB has not appreciated the factual aspects relating to that the post of Accountant is higher than the Mandi Supervisor and nature of duties and responsibilities are higher than the Mandi Supervisor. Therefore, rightly Pay Anomaly Committee pointed out that Accountants are entitled for higher grade pay than the Mandi Supervisors to the extent of ₹ 3200 to ₹ 3300. The same has not been taken into consideration as is evident from Annexure P-5. Therefore, Annexure P-5 dated 25.2.2014 is hereby set aside. The Chief Administrator, HSAMB is hereby directed to consider the recommendation of Pay Anomaly Committee report dated 19.2.2013 with reference to various factual aspects like the Accountant is a promotional post to Mandi Superviser in administrative hierarchy. Therefore, the pay scale and grade pay cannot be identical. Even assuming that promotee to the post of Accountant is granted one additional increment even otherwise grade pay is common for both posts i.e. ₹ 3200. Therefore, rightly the Pay Anomaly Committee has taken a decision to extend higher grade pay to the post of Accountant to that of Mandi Supervisor to the extent of grade pay of ₹ 3200 to ₹ 3300 grade pay. It was also observed by the Pay Anomaly Committee that there would not be any burden of arrears. In view of these facts and circumstances, the Chief Administrator, HSAMB is hereby directed to take a fresh decision within a period of 3 months and communicate the same to the petitioners.

Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

May 15, 2017.
sandeep sethi

Whether speaking/reasoned:- Yes / No

Whether Reportable:- Yes / No.