

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

LPA No.417 of 2015 (O&M)

Date of Decision : 03rd August, 2017

Housing Board Haryana

..... Appellant

Versus

Vijay Kumar Verma and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. Ashwani Talwar, Advocate
for the appellant.

Mr. R.K.Malik, Senior Advocate
with Mr. Kuldeep Sheoran, Advocate
for respondent Nos.1 to 38.

Mr. Samarth Sagar, Addl. A.G., Haryana.

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment dated 04.12.2014,
passed by the learned Single Judge.

The appellant before us is the Housing Board whereas the respondents herein are the employees of the Board (Assistant Engineers) who claim that in matter of pay they should be at par with the Engineers of the PWD of the State Government.

The factual aspects are not in dispute. In 1971, the respondents were treated at par with the engineers serving with the respondent-State for the purpose of grant of pay scales. In the revision of pay in 1979, they were also treated as similar, as also in the year 1986.

Recommendations of the Board to this effect were duly approved by the State itself. In 1989, another revision of pay scales of the engineers of Public Works Department followed which benefit was also given to the respondents. But in 1996, the dispute erupted and the appellant refused to treat them at par with the engineers of the State Government. The Board itself espoused the cause of the engineers but falls back on the decision of the State Government and contends that since the bureau of Public Enterprises which is the expert body has recommended to the contrary they would be bound by it. Learned Single Judge noticed that all through out ever since the creation of the Board till 1989, the engineers of the Board were treated at par in matters of pay with those of the State Government and it is only thereafter that they were sought to be discriminated again.

The plea of the Board was negated and the respondents-engineers were held entitled to the same pay structure as those admissible to the engineers in the State Government which is now the cause of the grievance to the appellant.

Learned counsel for the appellant contends that the Board being an autonomous body is not necessarily bound to follow the same pattern as sought to be projected by the respondents-engineers. It has been categorically stated that an Expert Committee was indeed constituted which did not agree with the recommendation of the Board. Our attention has been invited to a notification of the Finance Department dated 20.11.1989 creating a Standing Committee to look into the service conditions of the employees of the Boards and Corporation. We may extract relevant over here:-

No.15/48/89/ARO-II/HBPE:- The Governor of Haryana is pleased to constitute a Standing Committee to examine and to decide the proposals for creation and up gradation of posts, their pay scales, mode of recruitment, terms and conditions of service and cases involving exemption from the existing instructions for effecting economy in the expenditure, concerning all the State Public Enterprises i.e. Boards, Corporations, Companies and Co-Op. Institutions.

The Standing Committee will comprise as follows:-

- | | |
|--|-------------------|
| <i>1. Financial Commissioner and Secretary, Finance</i> | <i>Chairman</i> |
| <i>2. Administrative Secretary of the concerned department</i> | <i>Member</i> |
| <i>3. Special Secretary Finance (BPE)</i> | <i>Member</i> |
| <i>4. Head of the concerned department</i> | <i>Member</i> |
| <i>5. Managing Director of the concerned PE</i> | <i>Member</i> |
| <i>6. MS/HBPE</i> | <i>Member</i> |
| | <i>Secretary”</i> |

To a pointed question as to whether the Committee even though constituted in the year 1989 has made any Rules and Regulations to prescribe service conditions of the employees of the appellant-Board, the answer is in the negative. This implies that the members of the service of the appellant-Board are not having rules and regulations at all. We are, thus, not surprised that such conflicts have arisen when the entire service conditions of the engineers and possibly other employees have been left to ambiguity. It is also not acceptable that the Committee would pick up only one issue of parity of pay while not looking into the other aspects which would have shored up the claims of the engineers and probably other employees as well.

Once the appellant-Board treated the engineers at par with those of the State Government ever since their induction in service upon creation of the Board till 1989 there would be no reason to deviate from

such a course to deprive the engineers of the parity unless, the Committee had laid down comprehensive Rules and service conditions of the engineers. There is thus no plausible explanation coming on record regarding the disparity introduced after 1989 by denying the respondents-engineers of the benefits of the parity with engineers in the matter of pay scale w.e.f. 1989. The decision, therefore, has been rightly termed to be arbitrary and is set aside.

For the aforesaid reasons, we do not find any infirmity in the findings recorded by the learned Single Judge.

Accordingly, the instant appeal stands dismissed.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

03rd August, 2017
mamta-M

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No