

**106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CWP-11522-2015
Date of decision-24.09.2018**

Hem Raj Kalsi and others

....Petitioners

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Kunal Mulwani, Advocate for the petitioners.

Ms. Sunint Kaur, AAG, Punjab.

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of mandamus directing the respondents to release revised pay scales of ₹2000-3500 and arrears thereof w.e.f. 01.01.1986 to the petitioners and for quashing of Annexures P-9 and P-10 whereby pay scale of ₹2000-3500 to Agriculture Inspectors (Implements)/Field Inspectors was denied.

Learned counsel contends that case of the petitioners is covered by a judgment passed by this Court in CWP-4144-1978, titled as “**K.K.Mehta and another Vs. State of Punjab and another**” decided on 30.07.1979 (Annexure P-4).

Learned State counsel submits that the scale of Agricultural Inspector (Implements) were equated to that of the Agriculture Inspectors (Admin Wing) w.e.f.01.11.1977. At that time Agriculture Inspector and Agriculture Inspector (Implements) both employees were Class-III employees and the decision in CWP-4144-1978 was not challenged. Now

Agriculture Inspectors have been redesigned as Agriculture Development Officer and have been declared as PAS-I Gazetted Officer, whereas Agriculture Inspectors (Implements) have not been redesigned as Agriculture Development Officer (Implements) and they continue to be Class-III employee. So these two post cannot be equated as per the case of K.K.Mehta and cannot be applied to the proposition involved in the instant case.

Heard.

This Court in CWP No.4144-1978, titled as “**K.K.Mehta and another Vs. State of Punjab and another**” decided the controversy in question by passing a detailed order dated 30.07.1979. The case of the petitioners is squarely covered by the aforesaid judgment dated 30.07.1979. The operative paragraph of the judgment reads as under:-

“These petitions have been opposed by the State of Punjab and in the written statements it is stated that the petitioners are not entitled to the revisions of their pay-scales as their qualifications and duties are different than those of Agricultural Inspectors. This in my view, is hardly a reason to deny the petitioners the same scale of pay which has been allowed to the Agricultural Inspectors so long as their posts continue to be equated. The action of the Government obviously has resulted in discrimination for which there is no justification whatsoever.

Mr.V.K.Sharma, the learned counsel, appearing for the State, has pointed out that the Pay Commission has recommended that the Pay-scales of Field Inspectors be equated with Agricultural Inspectors

with effect from January 1, 1978. This also supports the contention of the petitioners that they are entitled to the same scale of pay as is allowed to the Agricultural Inspectors.

Consequently these petitions are allowed and the State is directed to revise the pay-scales of the petitioners so as to equate them with that of the Agricultural Inspectors with effect from November 1, 1977. The petitioners shall also be allowed the arrears of pay and other benefits which may accrue because of this revision of the pay-scale. No costs.”

The plea of the learned State counsel that judgment passed in CWP-4144-1978 (Annexure P-4) cannot be applied to subsequent litigation, is not tenable as the aforesaid decision has attained finality and has been followed by this Court in CWP-10176-1993, titled as “**Gulshan Singh Madan and others Vs. The State of Punjab and another**” decided on 29.11.2013. Even the review application (RA-230-2014) filed by the respondents in CWP-10176-1993 was dismissed as having been rendered infructuous vide order dated 08.07.2014.

In view of the above, the present petition is allowed in the same terms as in CWP-4144-1978 (Annexure P-4). Needless to add that the arrears shall be restricted to 38 months prior to the date of filing of the writ petition.

(JITENDRA CHAUHAN)
JUDGE

24.09.2018

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Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No