

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

CWP No. 1639 of 2014 (O&M)

Date of decision: 20.02.2018

Hakam Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. A.S. Manaise, Advocate for the petitioner.

Ms. Sudeepti Sharma, Addl. A.G., Punjab.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioner seeks issuance of directions to the respondents to grant pay scale of Rs.10300-34800+G.P of Rs.4200/- to the petitioner (Kanungo) as being given to Kanungo in the Revenue Department w.e.f. 16.12.2004.

It is contended that the petitioner was appointed as Demarcation Daroga in the Forest Department on 27.11.1996. The educational qualification, pay scale and nature of duties are same as that of Patwari in the Revenue Department and the rules of Revenue Department have been followed by the Government to govern the services of Demarcation Daroga/Patwari and Demarcation Supervisor/Kanungo in the Forest Department. After the Punjab Civil Services (Revised Pay) Rules, 1998 (Annexure P-2) came into force

w.e.f. 01.01.1996, the pay scale of Rs.950-1800 was revised to Rs.3120-5160 and the pay scale of Patwari in the Revenue Department was also revised from Rs.950-1800 to Rs.3120-5160. Learned counsel refers to order dated 07.05.1999 (Annexure P-3), whereby the petitioner was granted revised pay scale of Rs.3120-5160 w.e.f 01.01.1996, considering the pay revision of Patwari in the Revenue Department to contend that the Forest Department kept the petitioner on parity with the Patwaris of Revenue Department as the nature of duties were same. Thereafter, the petitioner was promoted to the post of Demarcation Supervisor/Kanungo by the Forest Department, by way of order dated 16.12.2004 (Annexure P-6) in the pay scale of Rs.4020-6200, however, he was not given the pay scale of Rs.4550-7220 as is being given to Kanungo of Revenue Department, though the nature of duties are same as in Revenue Department. For the redressal of his grievance, the petitioner has approached the competent authorities, however, nothing has been done.

On the other hand, learned State counsel states that the petitioner has claimed the pay scale of Kanungo of Revenue Department, whereas, he has been working in the Forest Department. The State Government has issued separate notification for revision of pay scale to the Forest Department. She further states that though the qualification is same, however, the nature of duty of Kanungo of both the Department are different, therefore, the petitioner cannot claim parity with the Kanungo of Revenue Department.

I have heard the rival contentions of learned counsel for the

parties.

The facts which are not in dispute are that the petitioner was appointed as Demarcation Daroga in the Forest Department equivalent to Patwari on 27.11.1996. Subsequently, the petitioner was promoted as Demarcation Supervisor on 16.12.2004 equivalent to Kanungo. As per the stand taken by the State, the nature of duties of the patwari and kanungo of the Forest Department are entirely different to the duties of the patwari and kanungo of the Revenue Department and whenever the pay scales have been revised, the Govt. has issued different notifications for revision of pay to different departments. The reply filed on behalf of the State is silent about the pay scale of Patwaris and Kanungos of both the Departments that whether the educational qualification and pay scales are same or not. However, as per Annexure P-9 dated 31.08.2006 which is a correspondence by respondent No.2 to Financial Commissioner (Forest) and Secretary, Government of Punjab, it has been admitted that though there is no parity as per claim of the petitioner but the duty of Demarcation Supervisor in Forest Department and Revenue Department is same and the pay scale of Rs.4550-7200 was granted to the Demarcation Supervisor of Forest Department. Thus, from the above facts and circumstances, it is crystal clear that the duty of Demarcation Supervisor/Kanungo in Forest Department is same as that of Demarcation Supervisor/Kanungo in the Revenue Department and thus, the Court feels that the unequal pay scales are not justifiable.

Accordingly, the present petition is allowed. The respondents

are directed to grant pay scale of Rs.10300-34800+G.P of Rs.4200/- to the petitioner (Kanungo) as being given to Kanungo in the Revenue Department from the date when he was promoted to the post of Kanungo/Demarcation Supervisor and release all the necessary benefits admissible to the petitioner within three months from the date of receipt of certified copy of the order.

20.02.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No