

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

CWP No. 6947 of 2012 (O&M)

Date of decision: 22.02.2018

Arun Kumar Sharma and others

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. D.V. Sharma, Sr. Advocate with
Ms. Shivani Sharma, Advocate for the petitioner(s).

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

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Article 226 of the Constitution of India, the petitioners seek issuance of directions for quashing the impugned Memo No.K.K/1-408/A2(2)/2681 (Annexure P-14) and grant of same pay scale and all benefits in terms of decision passed in CWP-13615-2009.

Learned counsel for the petitioners states that the case of the petitioner is squarely covered by judgment of this Court rendered in CWP No. 18663 of 2013, decided on 27.11.2017, titled as **Navdeep Singh and others Vs. State of Punjab and others.**

The learned State counsel is unable to controvert the assertion raised by learned counsel for the petitioners.

Heard.

In **Navdeep Singh and others** Vs. **State of Punjab and others**, it has been held as under:-

In the present case the only reason which has been pointed out in the written statement is of qualification and nature of duties, whereas, admittedly, there is no change either in the two parameters or no classification has been created for granting two different pay scales. Even in case of the candidates working in different departments like Health, Engineering and Animal Husbandary as well as Agriculture, parity in pay scales has been maintained. Even after re-structuring of the Agriculture Department on the basis of similar re-structuring in Health, Engineering and after considering the B.Sc Agriculture as a professional degree. Neither any change in the nature of duties nor any cogent reason has been pointed out. When certain posts have been equated for a long time, the onus lies on the respondent-Department to show as to why at a later stage different pay scales have been granted. No doubt the specialized agencies and the executive authorities have to determine the equation of posts with regard to pay scales but it has been held in various judgments of this Court as well as of Hon'ble the Apex Court that once the posts have been equated and that equation still existed then such posts must continue to have a parity of pay scales. No doubt equation can be ended in case there is any change in the nature of duties or function of the equated posts and in case any equation is to be discontinued that should be after proper application of mind and with plausible reasons. In the present case, no such reason whatsoever has come on record or has been pointed out by learned counsel for the respondent-State. It is also a settled

principle of law that parity once given cannot be withdrawn without assigning any justification or without pointing out disparity with reasons recorded. The parity in the pay scales in the present case has continued for years together but subsequently without any reason the same has been discontinued.

In view of the facts and law position as mentioned above, the present petition is allowed and respondents are directed to reconsider the case of the petitioners of equivalent revised pay scale with effect from the date the parity was discontinued. The respondents are also directed to fix the pay of the petitioners by considering the due date as on 1.1.1996 or from the date of joining, whichever is later. However, the petitioners will not be entitled for arrears in revision of pay scales but the benefit would be notional along with all consequential benefits.

Keeping in view the admitted position, the present petition is allowed in terms of **Navdeep Singh's** case (supra). The respondents are directed to consider the case of the petitioners in the light of **Navdeep Singh's** case (supra) and release the admissible benefits, within a period of three months from the date of receipt of a certified copy of this order.

22.02.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No