

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

CWP-3574-2015 (O&M)
Date of decision : 12.01.2018

Ranjodh Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gagneshwar Walia, Advocate,
for the petitioner(s).

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

JITENDRA CHAUHAN, J. (Oral)

By way of filing the instant petition under Articles 226/227 of the Constitution of India, the petitioner prays for issuance of a writ in the nature of Mandamus, *inter alia*, for directing the respondents to grant pay scale of ₹ 5910-20200/- plus ₹ 2400/- as grade pay w.e.f. 01.01.2006 and the corresponding revised pay scale of ₹ 10300-34800 plus ₹ 3600/- as grade pay w.e.f. 01.12.2011.

It is contended that the petitioner has been working as Carpenter with the respondent-Department since 22.11.1995 and his services were regularized as such w.e.f. 25.10.2011 vide order Annexure P-1, in the pay scale of ₹ 4900-10680 plus ₹ 1300/- as grade pay. The post of Carpenter is a Class-III post and carries pay scale of ₹ 5910-20200/- plus ₹ 2400/- as grade pay, which stands further revised to ₹ 10300-34800 plus ₹ 3600/- as grade pay w.e.f. 01.12.2011. The similarly situated employees,

viz. Nirmal Singh and Tarlochan Singh, working with the respondent-Department in other police districts are already being paid the pay scales which the petitioner has prayed for in the instant writ petition.

On the other hand, learned State counsel has opposed the prayer made on the ground that the petitioner cannot claim parity with Nirmal Singh and Tarlochan Singh who were appointed as Carpenter against a regular time scale vacancy and not as Contingent paid Class-IV employee on fixed rates, as is the case with the petitioner.

I have heard rival contentions advanced by learned counsel for the parties and perused the case file.

It is admitted case of the respondent-Department that the petitioner had joined as Carpenter (Contingent paid Class IV employee) against existing vacancy of Class IV Contingent Paid employee w.e.f. 22.11.1995. Upon completion of 10 years' of satisfactory and continuous service, the services of the petitioner were regularized. The main ground for denial of relief sought in the instant petition has been cited to be his initial appointment as Carpenter as Class IV contingent paid employee as against the case of Nirmal Singh and Tarlochan Singh, who were appointed against a regular time scale vacancy. Learned State counsel has not been able to draw any distinction with regard to the post of 'Carpenter', as held by the petitioner viz-a-viz said Nirmal Singh and Tarlochan Singh. Admittedly, the petitioner's services as Carpenter stood regularized and he has been performing similar duties as that of Nirmal Singh and Tarlochan Singh. When an employee possesses the minimum required qualifications for appointment to a particular post and has been working as such, he ought to

be given the scale of pay attached to that post.

In view of the above discussion, this Court is of the considered opinion that the petitioner is entitled to the scale(s) of pay claimed by him and his pay be fixed accordingly from the date his services were regularized i.e. 25.10.2011. The arrears of pay be paid to the petitioner within a period of three months from the date of receipt of a certified copy of this judgment, failing which, the same shall carry interest @ 6.5% per annum from the date of filing the instant writ petition, till actual payment.

12.01.2018

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(JITENDRA CHAUHAN)

JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No