

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

CM No.385-CWP of 2018; and
CWP No.24616 of 2017
Date of decision: 15.01.2018

Rohtash

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sandeep Kumar, Advocate for
Mr. Vikram Singh, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

This is a petition under Article 226/227 of the Constitution of India, praying for a writ in the nature of mandamus, directing the respondents to grant the pay scale of ₹ 1200-2040 to the petitioner w.e.f. 25.11.1992; the date his junior was granted the same scale.

Petitioner purports to have appointed as Pump Operator w.e.f. 12.05.1986 on daily wages. His services were regularized vide order dated 15.05.1997 (Annexure P6) w.e.f. 19.03.1997. The State of Haryana issued instructions dated 01.05.1996 to fix the pay scale of its technical employees by specifying the prescribed qualifications. Water Pump Operators, who are merely matriculate, were placed in the pay scale of ₹ 950-1500, whereas the employees with matric and ITI qualification were placed in a higher scale of ₹ 1200-2040. The limited grievance that the petitioner has is that one Rajpal, who happened to be the junior to the petitioner, was granted a higher pay scale i.e. ₹ 1200-2040, vide order of Chief Engineer, HUDA, dated 25.11.1992. Thus, the petitioner too ought to have been placed in the same scale.

Concededly, nothing is brought on record to show that the petitioner was ever appointed as Pump Operator w.e.f. 12.05.1986. Copy of the service book that has been appended as Annexure P4, does not reveal that it pertains to the petitioner. An analysis of the order dated 15.05.1997 (Annexure P6) shows that services of the petitioner were actually regularized as Water Pump Operator Helper in the pay scale of ₹ 750-940. Meaning thereby, he was neither appointed as Water Pump Operator nor Pump Operator as is claimed in the petition. Although the petitioner claims to be senior to one Rajpal, who was placed in the pay scale of ₹ 1200-2040, but again nothing is brought on record to show that the petitioner was indeed senior to Rajpal. Not just that, the order dated 25.11.1992 (Annexure P5) rather reveals that Rajpal was placed in the revised pay scale of ₹ 1200-2040 not only being matric with ITI/Polytechnic Diploma, but since he was appointed as Water Pump Operator. Whereas, as indicated earlier, petitioner was merely Water Pump Operator Helper, which is why he was placed in a lower pay scale i.e. ₹ 750-940. That being so, one wonders as to how the petitioner could either claim to be senior to Rajpal or seek a higher pay scale of ₹ 1200-2040, which was admissible only to the Water Pump Operators. Ex facie, the petition is speculative in nature and lacks bonafides.

In conspectus of the above, the petition is dismissed being devoid of merit with a costs of ₹ 2,000/- to be deposited in the Punjab and Haryana High Court Bar Association Benevolent Fund.

(Arun Palli)
Judge

15.01.2018
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO