

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

**CWP-8802-2015 (O&M)
Date of decision : 26.10.2018**

Sudesh Kumar

...Petitioner(s)

Versus

Punjab School Education Board

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. V.K. Shukla, Advocate,
for the petitioner.

Mr. J.S. Puri, Advocate,
for the respondent.

JITENDRA CHAUHAN, J.

By way of the instant writ petition, the petitioner seeks payment of arrears of salary w.e.f. 01.08.2006 to 31.03.2010, as per the revised pay-scales in view of Punjab Government Notification dated 27.05.2009 (Annexure P-2).

It is the case of the petitioner that the report of the 5th Pay Commission was accepted by the Punjab Government vide Notification dated 27.05.2009 (Annexure P-2) and was made applicable from 01.01.2006. The respondent Board in its meeting held on 19.03.2010, decided to grant salary to the contractual employees of the Board as per report of the 5th Pay Commission. The said decision was circulated vide order dated 19.03.2010 (Annexure P-3).

The grouse of the petitioner is that since the revised pay scales

on the basis of 5th Pay Commission report were made applicable from 01.01.2006 and the respondent-Board adopted the said notification in toto, therefore, the contractual employees of the Board also deserved grant of revised pay w.e.f. 01.01.2006.

On the other hand, learned counsel for the respondent-Board submits that the revision of pay scales was for the purposes of regular employees of the Board. As regards the contractual employees, they were paid the basic pay of the corresponding pay scale plus the grade pay.

Heard.

The petitioner was appointed as Assistant Security Officer on contract basis w.e.f. 25.07.2006, vide letter dated 25.07.2006 (Annexure P-1). As per clause 2 of the said appointment letter, the petitioner was to be paid consolidated pay i.e. initial pay of ₹5800/- per month in lumpsum in the grade of Assistant Security Officer (5800/- - 9200/-). Though, the report of the 5th Pay Commission was made applicable w.e.f. 01.01.2006, but it was for the purposes of regular employees only. The notification (Annexure P-2) is not applicable to the petitioner, therefore, the question of granting benefit of higher pay w.e.f. 01.01.2006 does not arise. The petitioner being a contractual employee, cannot claim parity with the regular employees. The pay scales applicable to the regular employees were made the basis for determining the consolidated pay to be paid to the contractual employees after revision of the pay scales. The Board, in its wisdom, fixed the consolidated salary of contractual employees vide Annexure P-3 and the same cannot be said to be illegal or perverse. The plea of the petitioner is misconceived.

In view of the above discussion, this Court is of the considered opinion that the instant petition is devoid of any merit and the same is, hereby, dismissed.

26.10.2018
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(JITENDRA CHAUHAN)
JUDGE

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