

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

**CWP No.9324 of 1995
Date of decision:05.07.2019**

Ravinder Kumar

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. I.D. Singla, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

B.S. WALIA, J (ORAL)

1. Civil writ petition has been filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus for directing the respondents to treat the petitioner as a Ticket Verifier with effect from 1.12.1994 and also to pay him regular pay scale i.e. 950-1500/- + allowances thereon with effect from the date of his appointment.

2. Brief facts of the case leading to the filing of the writ petition are that the petitioner was appointed as Ticket Verifier i.e. TVF on monthly wages of Rs.1150/- w.e.f. 1.8.1994 to 31.8.1994 as per rates approved by the Deputy Commissioner, Panipat while making it clear that the petitioner's services were liable to be discontinued at any time without prior notice or assigning any reason thereto. Thereafter, the petitioner claims to have continued to work as Ticket Verifier upto end of November. However, grievance is that while issuing next appointment letter w.e.f. 1.12.1994 upto 31.1.1995, the petitioner was mentioned

as having been appointed as Helper on contract basis against remuneration of Rs.1150/- per month as approved by the Deputy Commissioner, Panipat with the condition that the services of the petitioner were liable to be terminated at any time without prior notice or assigning any reason thereof.

3. The writ petition was filed on 5.7.1995 claiming that the petitioner was still performing the duties of Ticket Verifier therefore, he be treated as Ticket Verifier w.e.f. 1.12.1994 till date. Further prayer was that the petitioner was merely being paid Rs.1150/- per month whereas all similarly situated permanent/regular/temporary Ticket Verifiers were being paid regular pay scale of Rs.950-1500/- + allowances thereon, therefore, the petitioner be also held entitled to the same pay and allowances which were being paid to regular/permanent/temporary Ticket Verifiers.

4. In reply, it has been mentioned that no doubt initially the petitioner was appointed as Ticket Verifier but no post of dailywages Ticket Verifier was available, therefore, the petitioner was adjusted as Helper purely on contractual basis on humanitarian ground and was continued as such but was showing no responsibility towards his duty and further that he had been appointed against the post of Helper on contractual basis and adjusted on the said post on his own request Annexure R-1. Further stand in the written statement is that since the petitioner had been appointed against the vacant post of Helper on contractual basis therefore, he could not claim equation with regular Ticket Verifiers.

5. Learned counsel for the petitioner states that he is not aware as to whether the petitioner was continued in service as also as to whether he was regularized in service.

6. Per contra, learned Sr. DAG, Haryana contends that claim by the petitioner for being given the scale of the post of Ticket Verifier is misconceived since admittedly as per Annexure R-1, the petitioner had sought his adjustment

on the post of Helper which is a post different than the post of Ticket Verifier and on the basis of the said application, the petitioner on humanitarian grounds was adjusted as Helper on contractual basis on monthly remuneration of Rs.1150/- w.e.f. 1.12.1994 till 31.1.1995 and the petitioner having been appointed on contractual basis as Helper, could not seek the pay scale as admissible to a Ticket Verifier because the two posts were totally different. Since, appointment of the petitioner vide Annexure P-2 w.e.f. 1.12.1994 till 31.1.1995 was on the post of Helper on contractual basis against monthly remuneration of Rs.1150/- per month, it is not open to the petitioner to claim the scale of Ticket Verifier i.e a post other than the post on which he was appointed.

7. In the circumstances, the claim for grant of scale of the post of Ticket Verifier is without any basis.

8. Accordingly, the writ petition being bereft of merit is dismissed.

July 05, 2019
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No