

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

**CWP-7630-2012 (O&M)
Date of Decision: 13.12.2019**

Kartar Singh & Ors.

... Petitioners

Versus

Panjab Agricultural University & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Argued by: Mr. K.S. Dadwal, Advocate
for the petitioners.

Mr. Deepak Agnihotri, Advocate
for the respondents.

ARUN MONGA, J

1. The anomalous situation herein arises out of the administrative decisions of the respondent Punjab Agricultural University(PAU) forcing the petitioners to institute the instant writ petition challenging the order dated 29.08.2011(Annexure P-16) passed by respondent No.3 declining their request to grant them pay scale of Rs.1200-2130 with effect from 01.01.1986 and of Rs.1500-2700 with effect from 01.01.1994 as has been granted to other categories like Plant Observers, Fieldsmen and Budders.

2. Succinct factual narrative first. Petitioners were working with respondent PAU as Laboratory Attendants in the pay scale of Rs.90-140, which was revised to Rs.100-160 with effect from 01.04.1977 and they were designated as Senior Laboratory Attendants. The other set of employees like Plant Observers, Fieldsmen and Budders, working in the pay scale of Rs.90-140, were earlier not accorded the benefit of revision. Their pay scales were

also revised at par with the petitioners. Later, the pay scales of petitioners and other categories *ibid* were further revised to Rs.400-600 and the post of Laboratory Attendant was clubbed and placed under category T-8 like Plant Observers, Fieldsmen and Budders. The pay scales were subsequently revised to Rs.950-1800 with effect from 01.01.1986 vide order dated 16.06.1989.

3. The problem originated when on 20.12.1989 Board of Management of respondent PAU segregated the petitioners and accorded the benefit of pay revision only to Plant Observers, Fieldsmen and Budders to Rs.1200-2130 with effect from 01.01.1986. Arrears accrued upon such revision were ordered to be paid to the beneficiaries in installments. Aggrieved by the action of respondents in not granting the benefit of pay revision to the petitioners as was granted to similarly placed employees like Plant Observers, Fieldsmen and Budders, they filed representations before the authorities, but except assurance nothing was done despite positive recommendations of Rationalization Committee and Court Case Settlement Committee. In the meanwhile, pay scales of Plant Observers, Fieldsmen and Budders were further revised to Rs.1500-2700 with effect from 01.01.1994, but the petitioners were denied that benefit and discriminated.

4. Pursuant to the directions given by this Court in an earlier round of litigation, respondent No.3 passed the order dated 29.08.2011(Annexure P-16) impugned herein and declined the request of the petitioners for granting them the benefit of pay revision at par with other employees. Hence this writ petition.

5. In the return filed by the respondents they resisted the claim of the petitioners on the ground that qualification, channel of promotion and nature of duties attached to the post of Laboratory Attendants are different from

Plant Observers, Fieldsmen and Budders. Therefore, the petitioners cannot be equated with Plant Observers, Fieldsmen and Budders so as to claim parity. It is admitted that the pay scales of petitioners along with other categories of employees viz. Plant Observers, Fieldsmen and Budders was revised from Rs.100-160 to Rs.400-600 and then to Rs.950-1800 with effect from 01.01.1986. It is averred that though PAU is an autonomous body yet it is entirely dependent upon the State Government for smooth functioning and salary of the employees. Since the State Government had objected to grant higher pay scales to the employees of PAU over and above the counter-parts working with the State Government, the petitioners were rightly not accorded the benefit of pay revision and by passing a speaking and well reasoned order, their representation was rejected.

6. I have heard the rival contentions of learned counsel for parties and perused the pleadings along with record appended thereto.

7. Learned counsel for the petitioners argued that at one stage, the petitioners and Plant Observers, Fieldsmen and Budders were placed in the same scale and that posts held by petitioners i.e. Laboratory Attendant were clubbed and placed under Category T-8 like other posts. The Board of Management of PAU as also the Court Case Settlement Committee had recommended for granting the benefit of pay revision to the petitioners, but still the genuine demand of the petitioners was not accepted for no legal and valid reason. According to learned counsel, the petitioners are entitled to revision of pay scales of Rs.1200-2130 with effect from 01.01.1986 and further revision of Rs.1500-2700 with effect from 01.01.1994 as has been done in the cases of Plant Observers, Fieldsmen and Budders and on parity with the latter. He relied upon **Purshottam Lal Vs. Union of India, 1973(1) SCC 651, G.K. Nagpal Vs. Punjab State Electricity Board**

1998(1) SCT 694, R.K. Aggarwal & Ors. Vs. State of Punjab & Ors. (CWP No. 2605, decided on 02.07.2014), **Raj Pal Verma Vs. Punjab Agricultural University**, (CWP No. 13542 of 1993, decided on 27.09.2001), **Gurbir Singh & Ors. Vs. Punjab and Haryana High Court**, (CWP No. 488 of 2015, decided on 16.01.2015), **Raj Kumar & Ors. Vs. State of Punjab**, (CWP No. 23455 of 2012, decided on 06.09.2014) and **State of Punjab & Anr. Vs. Sardari Lal & Ors.** (Civil Appeal No. 5088 of 1996, decided on 28.11.2000), to contend that once the government decides to equate pay scale of two posts, the same cannot be varied in any subsequent revision of pay scales. He submitted that the respondents were duty bound to address the anomalous situation by according the benefit of revision of pay scales to the petitioners and they cannot wriggle out of their liability by taking shield of objection taken by the State Government, which otherwise is not sustainable in view of the fact that the PAU is an autonomous body and State Government has no role to play in the day of day affairs.

8. On the other hand, learned counsel for respondents PAU urged that the benefit of revision of pay scale was accorded to the petitioners as a special measure. The later revision was not granted to the petitioners as the scales were over and above the pay scales of their counter-parts working with the State Government. Moreover, there was no parity in the nature of duties and qualification between the posts manned by petitioners and other categories like Plant Observers, Fieldsmen and Budders. Huge financial implications were involved for giving the latter's pay scales to the petitioners and accordingly their request was rightly turned down. He relied upon **Haqiqat Singh & Ors. Vs. Punjab Agricultural University, Ludhiana & Anr. 2005(1) SCT 350.**

9. Admittedly, at one stage the category of the petitioners and that of

Plant Observers, Fieldsmen and Budders were all put in same pay scale, as is borne out from a perusal of Notifications dated 23.02.1978 and 19.01.1980 issued by the respondent PAU contained at Annexures P-2 and P-3 respectively. Likewise, vide Notification dated 29.11.1986(Annexure P-4) the post of Laboratory Attendant was clubbed with and placed under Category T-8, which is like other posts such as Budders. Therefore, it is but natural for the petitioners to plead, to my mind rightly so, that they too ought to have been accorded the benefit of decision taken by the Board of Management in its 142nd meeting vide Agenda Item No. 11, whereby pay scale of Rs.1200-2130 was granted to similarly placed categories viz. Plant Observers, Fieldsmen and Budders.

10. Another facet of the case, which is noteworthy is that Board of Management in its subsequent 189th meeting held on 14.06.2000 vide Agenda Item No. B-9 approved the re-categorization of technical employees. As a result thereof, pay scale benefit was extended across board in various categories with effect from 01.01.1986 instead of 01.01.1994. It was also decided therein that revised pay as per categorization be fixed on notional basis to avoid payment of arrears of pay up to 31.12.1999. The relevant extract of the decision is reproduced hereinebelow:-

“The Board of Management at their 189th meeting held on 14.06.2000 vide Item No.B-9 approved the re-categorization of technical employees in G.IV to G-I categories w.e.f. 1.1.1986 instead of 1.1.94 and further decided that the pay in the revised scale as per re-categorization be fixed on notional basis w.e.f. 1.1.86 without payment of arrears upto 31.12.99.”

11. Subsequent to the aforesaid decision, the Board of Management in its 199th meeting held on 01.08.2002 decided vide Annexure P-9 that

payment of arrears on account of re-categorization of technical employees in Grade IV to Grade I for the period 01.03.1992 to 31.12.1999 be disbursed to the concerned employees in five annual installments commencing from 2002-03.

12. It was in this backdrop that Court Settlement Committee also came to the conclusion that discrepancy has definitely occurred at the time of grant of revised pay scales. The Laboratory Attendants were, therefore, also held to be entitled and accorded the revised pay scale equivalent to those of Plant Observers, Fieldsmen and Budders as a special measure personal to them with effect from 01.01.1986. The same was duly approved by the Vice Chancellor of the University, as is borne out from approval contained at Annexure P-12.

13. It is, thus, clear that petitioners are entitled to pay scale of Rs.1500-2700(Grade-III) with effect from 01.01.1986 with notional benefits with effect from 01.02.1992 on parity with Plant Observers, Fieldsmen and Budders. However, while passing the order dated 29.08.2011(Annexure P-16), impugned herein, the same has not been done. I am of the opinion that competent authority fell in error by equating the petitioner with their counter-parts working with Government of Punjab. It is not relevant as to what is being drawn by the counter-parts in the Government of Punjab once established position, both in law and facts, is that University being autonomous body is governed by its own rules and regulations.

14. The said position in law has been finally settled by Hon'ble the Apex Court in its rendition in case titled as **State of Punjab & Anr. Vs. Sardari Lal & Ors. (Civil Appeal No. 5088 of 1996)** contained at Annexure P-17.

15. In my opinion, Haqiqat Singh's case(supra) cannot come to the

rescue of the respondents, as the facts therein are distinguishable from the facts of the case in hand.

16. As an upshot of my discussion above and the reasoning contained therein, the writ petition is allowed and impugned order dated 29.08.2011(Annexure P-11) is set aside with a direction to the respondents to accord to the petitioners the benefit of pay scale of Rs.1200-2130 with effect from 01.01.1986 and subsequent pay scale of Rs.1500-2700 with effect from 01.01.1994 on parity with other categories of Plant Observers, Fieldsmen and Budders, who were concededly put in above pay scales.

17. Writ petition is allowed in above terms.

December 13, 2019

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**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No