

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

LPA-1549-2015

Reserved on : 11.07.2019

Date of decision : 31.07.2019

The State of Haryana and others

... Appellants

Versus

Mange Ram and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Gagandeep Singh Wasu, Addl. A.G. Haryana.

Mr. R.K. Malik, Senior Advocate with
Mr. Sunil Hooda, Advocate
for the respondents.

RAJIV SHARMA, J.

This Letters Patent Appeal is instituted against the judgment dated 01.07.2015 rendered by the learned Single Judge in CWP-9334-2000.

2. The brief facts necessary for the adjudication of the appeal are that the respondents were appointed as Assistant Research Officers on 22.04.1986, 17.10.1994, 16.09.1985, 22.04.1986 and 01.04.1998 respectively in the office of Director Welfare of Scheduled Castes and Backward Classes Department Haryana. The posts of Assistant Research Officer in the office of Director, Welfare of Scheduled Castes and Backward Classes Department Haryana were created in consultation with Finance Department. They were placed in the pay scale of Rs.700-1400/- which was admissible at that time in ESA Department to Assistant Research Officer. The pay scales were again revised as recommended by expert pay

commission of both the categories, i.e. Assistant Research Officer of Welfare of Scheduled Castes and Backward Classes Department and ESA Department by granting them pay scale of Rs.5500-9000/-. However, the fact of the matter is that the Assistant Research Officers of ESA Department made representation. The representation was accepted. The pay scale of the Assistant Research Officer working in ESA Department was revised from Rs.5500-9000/- to Rs.6500-9900/- on August 7, 1998 with effect from 01.01.1996. The respondents also made representation seeking parity of pay scales of the Assistant Research Officer serving in ESA Department. The representation was rejected by the competent authority.

3. It is in these circumstances the respondents approached this Court. The writ petition was allowed by the learned Single Judge vide judgment dated 01.07.2015.

4. We have heard learned counsel appearing on behalf of the appellants and the respondents and gone through the record very carefully.

5. The fact of the matter is that posts of Assistant Research Officer in the office of Director, Welfare of Scheduled Castes and Backward Classes Department Haryana were created in consultation with the Finance Department. The State has maintained the parity of pay scale of Assistant Research Officer working in the office of Director, Welfare of Scheduled Castes and Backward Classes Department Haryana. Till 01.01.1996 both the categories were granted pay scale of Rs.5500-9000/-. The parity was disturbed only when the representation made by the Assistant Research Officer of ESA Department was allowed and they were placed in the pay scale of Rs.6500-9900/-.

6. The case of the respondents before the learned Single Judge

was that they were discharging the same nature of duties, which were being discharged by their counter parts in ESA department.

7. In the counter filed by the appellants to the writ petition, the essential qualification as prescribed for the post of Assistant Research Officer in Economic and Statistical Organization and those prescribed for the post of Assistant Research Officer in the office of Director, Welfare of Scheduled Castes and Backward Classes Department, Haryana, is Masters degree. According to the affidavit filed by the State, the quality and quantity of work of the Assistant Research Officer is also substantially different in both the departments.

8. The appellants itself equated the post held by the respondents vis-a-vis their counter parts in the Economic and Statistical Organization. Both the categories were getting the same pay scale till 01.01.1996. It presupposes that duties and responsibilities of both the posts were same and mode of recruitment was also same. It would be apt at this stage to mention that the appellant State in its own wisdom had granted to the respondents pay scales of Rs.6500-9900/- in the year 2010. It further strengthens the case of the respondents that they were entitled to revision of pay scale, i.e. Rs.6500-9900/-, with effect from 01.01.1996 on the principle of “equal pay for equal work”. The action of the appellants to deviate from the pay scale granted to the respondents with effect from 01.01.1996 was illegal and arbitrary.

9. Learned counsel appearing on behalf of the appellants has also argued that ESA organization compiles data for the entire state. The Directorate of backward Classes also compiles data of the entire State since the appointment of the respondents is in the directorate. The method of

recruitment, hierarchy of service, minimum educational qualification, nature of duties and responsibilities of both the categories, i.e. Assistant Research Officer serving in the Director, Welfare of Scheduled Castes and Backward Classes Department Haryana and ESA Department are the same.

10. It is settled law that it is not open to discriminate between the incumbents of the two posts for the grant of pay scale at the time of subsequent revision of pay scales once the State Government had already decided to equate the pay scale of a certain post.

11. Accordingly, there is no merit in the appeal and the same is dismissed.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

July 31, 2019.
Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No