

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

CWP-10640-1998 (O&M)

Date of decision: August 24, 2022

D.K. Chopra and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, inter alia, is for issuance of a writ in the nature of Mandamus directing the respondents to grant the petitioners, who are working as Project Officers in the respondent-Department, the pay-scale of Rs.2,200-4,000/- i.e. at par with the post of Scientific Engineer (B) of the same Department and Sub-Divisional Engineers (Class-II) of various Departments of the State of Haryana with retrospective effect.

2. It transpires that during pendency of the writ petition, for mitigating the grievance of the petitioners, their case was referred to Pay Anomaly Commission and same was dealt with as Agenda No.2.33 (Annexure I) appended with the short report dated 17.01.2019 by Department of New & Renewable Energy, which is reproduced herein below:-

“2.33 RENEWABLE ENERGY DEPARTMENT

Meeting held on 10.12.2015

Renewable Energy Project Officers Employee Welfare Society

The organization has represented that the Project Officers in the Deptt. are appointed by HPSC and are Class II Officers and have a higher qualification with Bachelor Degree of Engineering in Elect./ Mech./ Computer/ Agricultural Engg. or equivalent degree with at least 60% marks. The post also require a desirable experience of preferably one/ two years in planning, Development and Implementation of Science & Technology Programmes related to rural sector development. A request has, therefore, been made for parity in pay scales with Engineers of PWD (B&R), Public Health, Irrigation Deptt. etc. However, the pay scales granted to

them after revision or pay scales w.e.f. 1.1.2006 are much below from many departments where qualifications prescribed are much below. The request has, therefore, been made for parity in terms of pay scales as well as ACP with the Engineering Departments.

The Commission has carefully considered this matter. It was found that there has been no historical parity with Engineers. According to the recommendations of 6th Central Pay Commission, degree holders of Engineering and Law have been given G.P. Rs.4600/-. The Commission has also been apprised of the fact that there are similar posts small in number in some other departments like Labour, which are not a part of a recognized cadre. The grant of ACP has been restricted to some services, which are part of a recognized cadre but in other cases, they have been given general ACP. In these circumstances, the Commission felt that it will be difficult to entertain this demand only for this department. However, the representationists mentioned about a case decided by the Pb. & Haryana High Court in the case of Agricultural Engineers, where the said demands have allegedly been accepted. It was decided that details of this judgment will be produced by the Association which will be studied by the Commission to determine whether such a judgment if it exists is applicable in this case. Subsequently, the Commission after considering the judgment in the case of Agricultural Engineers found that the facts were different. In that case, it was an organized cadre of the Agriculture Deptt. which is not in the present case. There is no merit in the representation.”

3. From the perusal of the above, it appears that even though the Administrative Secretary of the Renewable Energy Department had favourably recommended the petitioners' case vide his letter dated 08.12.2015 (Annexure II) while referring the representation for consideration to the Pay Anomaly Commission, but the Commission applied its independent mind and did not accept the recommendations.

4. Be that as it may, it was open to the petitioners to challenge the Pay Anomaly Commission's recommendation which had been accepted by the Government. Having not done so, no grounds for interference are made out.

5. Dismissed.

(ARUN MONGA)
JUDGE

August 24, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No