

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

**CWP No. 4386 of 2020
Date of decision: 10.05.2022**

Dilbag Singh and others

..... Petitioners.

Versus

State of Punjab and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. C.L. Sharma, Advocate, for the petitioners.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners, who are working as Sanitary Inspectors, are seeking same pay scale as had been granted to the Junior Engineers.

Learned counsel for the petitioners contends that the Sanitary Inspectors were being granted the same pay scale as being given to the Junior Engineers since 1986. This parity was maintained till 2011. He also contends that though the pay scale for the two posts is the same, but the grade pay for the post of Junior Engineer is ₹4800/- while the grade pay of the petitioners was fixed at ₹4200/-. In support of his submissions, he has cited a judgment of a Division Bench of this Court in the case of Haryana State Biologists Association v. The State of Haryana, 1994 (3) SCT 198, wherein it has been held that once the parity of pay scales is granted and followed for a long time, it cannot be disturbed without the authority of law.

Heard.

The petitioners are working as Sanitary Inspectors. The essential qualification for the post of Sanitary Inspector is graduation and diploma in

Sanitary Inspector. This diploma is stated to be of one year duration. On the contrary, the essential qualification for the post of Junior Engineer is diploma in Civil Engineering from a recognized University. The diploma in Civil Engineering is obtained after study of three years' course though admission can be obtained in the course after 10+2. Both the posts of Sanitary Inspector and Junior Engineer have been placed in the same pay scale, but the grade pay for the post of Junior Engineer has been fixed higher than Sanitary Inspector. The duties of the Sanitary Inspector are to look after the sanitization works. There does not seem to be anything on record to indicate that the nature of duties of the Sanitary Inspector and the Junior Engineer are same. It is true that they were placed in the same pay scale earlier, but in view of the recommendations of the Pay Commission, the grade pay has been differentiated for both the posts. The petitioners had also raised the issue before the Anomalies Committee set up to deal with the representations after recommendations of the Pay Commission. The case of the petitioners did not find favour with the Anomalies Committee. Learned counsel for the petitioners, at this stage, states that the department itself had recommended the case of the petitioners for grade pay at par with the Junior Engineers on 10.11.2016 (Annexure P12).

The judgment of the Division Bench of this Court in the case of Haryana State Biologists Association (supra) relied upon by learned counsel for the petitioners is distinguishable on facts, as it pertains to parity of pay scale between Biologists and HCMS officers. They had been drawing same pay scale for a considerable period of time and the HCMS officers had been placed in a higher pay scale by an administrative order. In the instant case,

the nature of duties and the essential qualification for both the posts are different.

A decision has been taken by the Pay Commission, which is an expert body for placing the employees in a particular pay scale, including the grade pay, which would be applicable to them. The Supreme Court of India in the cases of Secretary, Finance Department and others vs. West Bengal Registration Service Association and others, 1993 Supp. (1) Supreme Court Cases 153 and State of Haryana and another vs. Haryana Civil Secretariat Personal Staff Association, (2002) 6 Supreme Court Cases 72, has held that Courts should interfere with administrative decisions pertaining to pay fixation and pay parity only when it finds such a decision to be patently irrational, unjust and prejudicial to a section of employees and taken in ignorance of material and relevant factors.

In view of the aforementioned factual backdrop, the action of the respondents in providing lesser grade pay to the petitioners does not seem to be irrational or unjust which would warrant interference in writ jurisdiction.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

10.05.2022
Ramesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No