

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

2095

CWP No.326 of 1998 (O&M)
DATE OF DECISION: 21th JULY, 2022

Vijay Kumar Arora

.... Petitioner

Versus

Chandigarh Industrial & Tourism Development Corporation Ltd.

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Rajeshwar Singh Thakur, Advocate,
for the petitioner.

Ms. Madhu Dayal, Advocate,
for the respondent.

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RAJBIR SEHRAWAT, J. (Oral)

This is a petition filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of mandamus directing the respondent to grant the pay scale of Rs.1800-3200 to the petitioner w.e.f. 01.01.1986 or his due date and to maintain parity between the pay scale of the petitioner and similarly situated employees belonging to the categories of House Keepers, Foremen, Draftsmen, Senior Scale Stenographer, Assistants, Storekeepers, Accountants, Accounts Clerks, Auditors, Junior Auditors and Assistant Manager clubs working under the respondent, who were similarly situated and at par in the pre and post revised pay scale as on 01.01.1986 on revision of pay scales on Punjab pattern in 1992 with

retrospective effect from 01.01.1986 and also in view of the law laid down by Hon'ble the Apex Court and this Court.

The brief facts, as involved in the present petition, are that the petitioner was initially appointed by the respondent as Store Supervisor on 04.03.1983 in the pay scale of Rs.400-600. Thereafter, the petitioner was re-designated as Bill Clerk in the existing pay scale on 17.06.1983. The petitioner was granted the selection grade of Rs.510-800 as Senior Clerk on 06.11.1987. Thereafter, the petitioner was appointed as a Kitchen Supervisor in the pay scale of Rs.600-1120 which was revised to Rs.1400-2300 while adopting the revised scales as applicable to the employees of the Central Government. Thereafter, on 13.01.1992 the Chandigarh Administration had adopted the pay scale of the Punjab pattern w.e.f. 01.01.1986. Accordingly, the pay scale of the petitioner was also revised from Rs.1400-2300 to the pay scale Rs.1500-2640. The petitioner raised the grievance qua wrong pay fixation and pointing out the anomaly in his pay revision. The said grievance of the petitioner was considered by Anomaly Committee, a Special Committee, as well as, by the Board of Directors; and ultimately the authorities found no anomaly in the fixation of the pay scale of the petitioner. Hence, the present petition has been filed.

Arguing the case, the counsel for the petitioner has submitted that earlier the petitioner was getting the revised pay scale of Rs.1400-2300 on central pattern. There were other posts under the respondents in the same pay scale as revised under the central pattern pay scales. However, while bringing the said posts in the Punjab pattern pay scale, they have been granted higher pay scale of Rs.1800-3200, whereas,

the pay of the petitioner has been fixed in a lower scale of Rs.1500-2640 as compared to those employees. Hence, the petitioner has been discriminated against. The counsel for the petitioner has further submitted that for the posts which have now been put in the higher pay scale, the qualifications are even lower than the qualifications prescribed for the post of the petitioner. The posts of Senior Scale Stenographers, Assistants and Accountants have been fixed in the higher pay scale under Punjab pattern despite the fact that they were getting the same pay scale under the central pattern. Hence, the pay scale of the petitioner deserves to be enhanced at par with the other persons, who have been fixed in the higher pay scale. Furthermore, the persons holding post of House Keepers, Foremen and Draftsmen have been put in the higher pay scale of Rs.1800-3200 despite the fact that they were earlier getting the salary in the central pay scale at par with the petitioner.

On the other hand, the counsel for the respondent has submitted that the case of the petitioner has been thoroughly considered by all the authorities at each and every stage. However, no anomaly has been found. In fact, there is no comparable post in Punjab pattern scales; as held by the petitioner. Therefore, the pay of the petitioner has been fixed in the hierarchical structure of the pay scale of the Punjab pattern. The petitioner is not the only person who has been put in the scale of Rs.1500-2640 from the comparable pay scale of Rs.1400-2300. Therefore, on the face of it, the issue involved is of only fixation of pay of the petitioner in as nearly comparable pay scale as possible in the Punjab pattern. The same has rightly been done by the authorities. Hence,

there is no anomaly in fixation of the pay scale of the petitioner. The petition deserves to be dismissed.

Having heard the counsel for the parties and having perused the record, this Court finds substance in the arguments of the counsel for the respondent. It is not even disputed that the petitioner was appointed to the post of Kitchen Supervisor in the pay scale of Rs.600-1120, which was revised on the central pattern; to the pay scale of Rs.1400-2300 w.e.f. 01.01.1986. The petitioner was granted the said pay scale on revision of the pay scales. On subsequent adoption of the Punjab pattern pay scales, the pay of the petitioner has been fixed in the comparable hieratical pay scale of Rs.1500-2640. This pay scale is not in derogation or in reduction of the salary which the petitioner was earlier getting under the central pattern. Therefore, *per se* mere fixation in pay scale of Rs.1500-2640 cannot be made a ground to raise grievance by the petitioner. The only grievance of the petitioner is that certain other persons; holding the post of House Keeper, Foreman and Draftsman, who were earlier in the same pay scale as were being given to the petitioner under the central pattern, have been fixed in a higher pay scale. However, this Court does not find any illegality in pay fixation of the said persons in the higher pay scale *per se*. Moreover, the revision of pay scale or decision on pay scale for a post is within the domain of the Appointing Authority. The said function is to be discharged keeping in view the qualification, duties and responsibilities prescribed for the posts, as well as, the financial aspect of the organization; as such. It is not even the case of the petitioner that the qualifications, duties and responsibilities of the post of House Keeper, Foremen and that of the Draftsmen are not the

same as that of the post of the petitioner. The authority has duly assessed the duties and responsibilities of the post and has found that there are different qualifications and different duties and responsibilities of the post held the petitioner and the persons who have been fixed in a higher pay scale under the Punjab pattern scales. Hence, this Court does not find any ground to interfere with the decision taken by the respondent-authority. Moreover, the alleged discrepancy pointed out by the petitioner has been analyzed multiple times by the respondent-authorities. Ultimate analysis by the authorities is that the petitioner cannot be fixed in a pay scale of Rs.1800-3200 under the Punjab pattern, since there was no anomaly. The said decision of the respondent-authority is not even under challenge. Still further, as observed above, it is for the authorities to fix any particular post in a particular pay scale; keeping in view the duties and responsibilities. It would not be appropriate for this Court to act as specialist in the matter of pay scales. Limited ground for interference in such cases would have been only where there is a patent illegality demonstrated before the Court. However, in the present case, there is nothing on record that the petitioner has been discriminated vis.-a-vis. the similarly situated persons.

In view of the above, finding no merit in the present petition, the same is dismissed.

The pending miscellaneous application, if any, is also disposed of as such.

21th JULY, 2022
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

<i>Yes</i>	<i>No</i>
<i>Yes</i>	<i>No</i>