

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4197-2017 (O&M)

Date of decision: April 01, 2022

Randhir Singh and others

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. S.S. Hira, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petitioners before this Court are aggrieved *qua* disparity of their pay *vis-à-vis* private-respondents No.4 to 8 who despite being junior to them as per their date of original appointment have been given higher salary despite the fact that the nature of duties performed by them and the private respondents are same and on the similar posts. Petitioners claim that on the principle of equal pay for equal work, their salaries ought to have been also stepped up so as to make it equivalent to those being disbursed to respondents No.4 to 8.

2. Succinct facts first. Petitioners are working in the office of respondent No.3-General Manager, Haryana Raodways Depot Sonipat, District Sonipat on different posts and their details are as under:-

Name of the employees	Name of Post	Date of Birth	Date of joining	Salary
Randhir Singh	Electrician	18.12.1960	16.08.1982	Rs.53,400/-
Tilak Raj	Electrician	01.11.1961	16.01.1984	Rs.53,400/-
Suresh Kumar	Blacksmith	14.02.1964	16.01.1984	Rs.53,400/-
Satbir Singh	Carpenter	15.03.1962	18.04.1986	Rs.53,400/-
Raj Kumar	Welder	08.01.1960	01.07.1979	Rs.53,400/-

Details of respondents No.4 to 8 are as under:-

Name of the employees	Name of Post	Date of Birth	Date of joining	Salary
Mahabir Singh	Electrician	05.04.1959	03.04.1985	Rs.56,700/-
Surender Singh	Electrician	13.04.1964	01.10.1985	Rs.56,700/-
Narinder Kumar	Blacksmith	05.10.1970	27.04.1990	Rs.56,700/-
Raj Kumar	Carpenter	06.05.1958	01.05.1992	Rs.50,405/-
Balwan Singh	Welder	08.08.1964	15.03.1985	Rs.56,700/-

Petitioners moved various oral as well as written requests to respondent No.2 for grant of equal pay as given to private-respondents No.4 to 8 as all of them are junior to the petitioners. Petitioners also submitted written representation through proper channel to respondent No.2-Director General, State Transport Haryana, on 05.02.2016, in this regard.

3. I have heard learned counsel for the parties and perused the record.

4. In order to have clarity with regard to the aforesaid factual assertions, an additional affidavit dated 27.01.2020 respondent No.3-General Manager, Haryana Roadways has been filed. The relevant thereof is extracted herein below:-

“2 That in compliance of the order dated 0307.2019 the list of financial up-gradations given to the petitioners as well as respondents is as under:-

1. Petitioner No.1 Randhir Singh, Electrician S/o Sh. Daya Nand

Date of joining as Washing Boy = 16-08-1982

Date of 1st Promotion as Assistant Electrician = 22-11-1985

Date of 2nd Promotion as Electrician = 31-03-1993

Date of Technical Scale granted = 01-05-1990

Date of 1st ACP granted = 01-06-2000

Date of 2nd ACP granted = 01-06-2010

Date of 3rd Promotion as Head Electrician = 18-03-2017

Date of Retirement = 31-12-2018

2. Petitioner No.2 Tilak Raj, Electrician S/o Sh. Hem Raj

Date of joining as Helper Electrician = 16-01-1984
Date of 1st Promotion as Assistant Electrician = 20-10-1987
Date of 2nd Promotion as Electrician = 31-03-1993
Date of Technical Scale granted = 01-05-1990
Date of 1st ACP granted = 01-05-2000
Date of 2nd ACP granted = 01-05-2010
Date of Retirement = 31-10-2019

3. Petitioner No.3 Suresh Kumar, Black Smith S/o Sh. Raj Kumar

Date of joining as Helper Blacksmith = 16-01-1984
Date of 1st Promotion as Assistant Blacksmith = 07-11-1998
Date of 2nd Promotion Blacksmith = 30-04-1993
Date of Technical Scale granted = 01-05-1990
Date of 1st ACP granted = 01-05-2000
Date of 2nd ACP granted = 01-05-2010

4. Petitioner No.4 Sh. Satbir Singh, Head Carpenter S/o Sh. Srupa Singh

Date of joining as Helper = 18-04-1986
Date of 1st Promotion Assistant Carpenter = 07-11-1988
Date of 2nd Promotion Carpenter = 30-04-1993
Date of 3rd Promotion, Head Carpenter = 20-02-2018
Date of Technical Scale granted = 01-05-1990
Date of 1st ACP granted = 01-05-2000
Date of 2nd ACP granted = 01-05-2010
Date of Retirement = 31-03-2020

5. Petitioner No.5 Sh. Raj Kumar, Welder S/o Kanwal Singh

Date of joining as Helper = 26-06-1979
Date of 1st Promotion Assistant Welder = 03-10-1984
Date of 2nd Promotion as Welder = 12-11-1997
Date of 3rd Promotion as Head Welder = 08-01-2018
Date of Technical Scale granted = 01-05-1990
Date of 1st ACP granted = 01-05-2000
Date of 2nd ACP granted = 01-05-2010
Date of Retirement = 31-01-2018

1. Respondent No.4 Sh. Mahabir Singh Electrician S/o Sh. Mange Ram

Date of joining as Helper = 30-04-1985
Date of 1st Promotion as Assistant Electrician = 31-03-1993
Date of 2nd Promotion as Electrician = 17-03-1996
Date of Technical Scale granted = 01-05-1990
Date of 1st ACP granted = 01-05-2000
Date of 2nd ACP granted = 01-05-2010
Date of 3rd ACP granted = 01-05-2014
Date of Retirement = 30-04-2017

2. Respondent No.5 Sh. Surender Singh, Electrician S/o Sh. Hira Singh

Date of joining as Helper = 01-10-1986
Date of 1st Promotion as Assistant Electrician = 31-03-1993
Date of 2nd Promotion as Electrician = 28-04-2008
Date of Technical Scale granted = 01-05-1990
Date of 1st ACP granted = 01-05-2000
Date of 2nd ACP granted = 01-05-2010
Date of 3rd ACP granted = 01-05-2014

3. Respondent No.6 Sh. Narender Singh, Blacksmith S/o Sh. Ram Chander

Date of joining as Helper = 26-04-1990
Date of 1st Promotion as Assistant Electrician = 19-06-1992
Date of 2nd Promotion as Blacksmith = 27-03-1997
Date of 3rd Promotion Head Blacksmith = 19-09-2019
Date of Technical Scale granted = 01-05-1995
Date of 1st ACP granted = 01-05-2000
Date of 2nd ACP granted = 01-05-2010
Date of 3rd ACP granted = 01-05-2014

4. Respondent No.7 Sh. Raj Singh, Carpenter S/o Sh. Jiya Ram

Date of joining as Helper = 21-04-1993
Date of 1st Promotion as Assistant Carpenter = 05-08-1996
Date of 2nd Promotion Carpenter = 01-01-2001
Date of Technical Scale granted = 01-05-1992
Date of 1st ACP granted = 01-05-2000
Date of 2nd ACP granted = 01-05-2012
Date of 3rd ACP granted = 30-05-2016

5. Respondent No.8 Sh. Balwan Singh Welder S/o Sh. Hawa Singh

Date of joining as Helper = 15-03-1985
Date of 1st Promotion as Assistant Welder = 09-04-2003
Date of 2nd Promotion as Welder = 12-11-2014
Date of Technical Scale granted = 01-05-1990
Date of 1st ACP granted = 01-05-2000
Date of 2nd ACP granted = 01-05-2010
Date of 3rd ACP granted = 01-05-2014”

5. Perusal of the above shows that the petitioners are senior to the private respondents. Concededly, petitioners are not only senior, but even the dates of grant of respective ACPs to them vis-à-vis respondents No.4 to 8 are also prior in some cases and in other cases not later than one accorded to respondents No.4 to 8. In the premise, the heart burn of the petitioners is but

natural as they perform the same function and duties as their counter-parts who have been subsequently appointed and yet petitioners are getting lesser salaries. Learned counsel for the petitioner relies on the judgments rendered in CWP-900-2018 titled as Lahana Singh and others versus State of Haryana and others, RSA-1891-2005 titled as Shimbhu Dayal Yadav versus State of Haryana and others, and CWP-2254-1998 titled as Ishwar Chand Walia versus State of Haryana. Perusal of the judgments cited by learned counsel reveal that the petitioners' case is indeed covered by the same.

6. Accordingly, petition is allowed with a direction to the respondents to accord the benefit of pay parity to the petitioners w.e.f. the same respective dates as respondents No.4 to 8 were given higher pay than the petitioners. Arrears be calculated and be paid with interest at the rate of 6% per annum from respective due dates within a period of 3 months.

(ARUN MONGA)
JUDGE

April 01, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No