

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

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**CWP-14982-1993 (O&M)
Date of Decision: 11.09.2023**

Swinder Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. G.S. Bal, Sr. Advocate with
Mr. P.K. Goklaney, Advocate
for the petitioners.

Mr. R.K. Kapoor, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

CM-13066-CWP-2023

This is an application for placing on record additional information by way of Annexures P-16 to P-18.

Application is allowed, as prayed for.

CWP-14982-1993

1. The petitioners seek direction from this Court to grant them the benefit of pay-scale which is admissible as per them to Class-III post which they are holding.

2. Learned senior counsel for the petitioners submits that the petitioners are working in different colleges as a Gasman. The post of petitioners is a Class-III post. However, the Government is paying them salary and pay scale as admissible to Class-IV post. It is submitted that the minimum pay scale of Class-III employees was 400-600 as on 01.01.1978, which was then increased to minimum 950-1800 from 01.01.1986.

However, the petitioners were getting pay-scale of 325-495 as on 01.01.1978 which had been increased to 810-1440 w.e.f. 01.01.1986.

3. Learned senior counsel for the petitioners further submits that the respondents have admitted that the post of Gasman falls in Class-III technical post but minimum pay-scale of Class-III which is 400-600 has not been provided to them. It is further submitted that upon asking by this Court, the respondents have filed an affidavit mentioning that another Class-III post of Book Binder also carries the same pay-scale of 325-495 from 01.01.1978. However, the petitioners have by way of rejoinder pointed out that the post of Book Binder falls in Class-III and therefore, the Book Binders made a representation and the Punjab Government, vide notification dated 03.02.1993 enhanced the pay-scales of 1200-2100 instead of 950-1800. The Book Binders working in the High Court were also granted the same enhanced pay-scale upon their filing of the writ petition in this Court.

4. Learned senior counsel for the petitioners submits that the petitioners who are also similarly situated ought to be given the said higher pay-scale.

5. Per contra, learned State counsel has submitted that the petitioners although are working on Class-III post, they have been paid the grade pay of Rs.325-495, which is the minimum of the class-III post, whereas grade pay of Class-IV post is from 01.01.978 was 300-430, therefore, the petitioners' grade pay is higher than that of a class-IV post. He further submits that no case for directions to enhance the grade pay is made out.

6. I have considered the submissions made by learned counsel for the parties and perused the file record.

7. A document has been placed on record along with reply which

reflects that in the Department of Education Colleges, there are several posts with their designation. However, there is no grading provided therein. It is noticed that in terms of the revised pay-scale made applicable from 01.01.1978, there are several posts namely Gasman, Gasman-cum-Mechanic, Book Binder and motor-man who have been placed in the pay-scale of Rs.325-495. The petitioners too fall in the same category being Gasmen. The granting of a particular pay-scale or grade pay, is within the domain of the administrative authorities and has to be on the basis of the recommendations of the Pay Commission. It is neither the scope nor the jurisdiction of this Court to fix a particular pay of a particular post while the State Government may decide upon representation made similar to that of book binder, to increase the pay-scale of the petitioners. This Court in writ jurisdiction would not be in the capacity to examine as to what should be the pay-scale of a particular post.

8. This Court is satisfied that there are several posts, which are designated as Class III post where the grade pay is Rs.325-495 as on 01.01.1978. One of them was that of Book Binder which has been increased subsequently. While leaving it open to the petitioners to get their pay-scale enhanced by making appropriate representation to the concerned authority or to the Anomaly Committee, if any, this Court leaving the said decision for the administrative authorities to take, does not find a case for issuing any writ. Further this Court finds that so far as the question regarding a particular post being of a particular class namely Class III or class IV, the same has been further clarified later on by the State Government and now a particular post would have to be treated as a Group-C or Group-D post in terms of the maximum range to which the initial entry of revised pay-scale is mentioned. Thus, Group-C post is a post in initially entry revised scale of

pay with maximum ranging between 5160-10639 and Group-D would be the post carrying initial entry revised scale of pay the maximum which is less than 5160. Thus, the petitioners’ post may fall in Group-C but the total maximum ranging will have to be examined by the authorities.

9. Keeping in view the above, the present petition is found to be without merit and accordingly, the same is dismissed.

10. The pending application(s), if any, shall stand(s) disposed of accordingly.

11.09.2023

D.Bansal

(SANJEEV PRAKASH SHARMA)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No