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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13236-1996 (O&M)
Date of Decision:01.08.2023

HARISH KUMAR AND ANOTHER

.....Petitioners

V/s.

**STATE OF PUNJAB THROUGH THE CHIEF SECRETARY TO
GOVERNMENT, PUNJAB AND ANOTHER**

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Animesh Sharma, Advocate,
 for Mr. Atul Mahajan, Advocate,
 for the petitioners.

Mr. Vishnav Gandhi, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The petitioners preferred this Writ Petition for issuance of Writ in the nature of *certiorari* for quashing of the order dt.12.07.1996 (Annexure P-12) and for issuance of a Writ in the nature of *mandamus* directing the respondents to remove disparity in their pay scale and to release the arrears w.e.f. the date of their appointments along with subsequent promotions.

2. Mr. Animesh Sharma has put in appearance and states that on account of elevation of his senior counsel he may be allowed to argue the case on behalf of the petitioners.

3. By allowing the request of Mr Animesh Sharma, Advocate, this Court directed him to assist the Court in this case.

4. Learned counsel for the petitioners submits that the petitioners were working as Supervisors in the Punjab Bhawan, New Delhi. It is stated that the Supervisors working in the Punjab Bhawan have similar sphere of

duties as the Supervisors working in the various Circuit Houses in the State of Punjab. The only difference between the Supervisors working in two different departments is the administrative control. While the Circuit House's Supervisors are under the Hospitality Department, Government of Punjab and the Supervisors working in the Punjab Bhawan are under the Civil Secretariat of the Government of Punjab.

5. Learned counsel for the petitioners submits that earlier the Punjab Bhawan was functional under the administrative control of the Hospitality Department, Punjab. The Supervisors in Circuit Houses as well as in the Punjab Bhawan were getting the same pay scale of ₹570-₹1080 which was subsequently enhanced to ₹600-₹1120 and then to ₹1800-₹3200. However, after the Punjab Bhawan was shifted under the administrative control of Civil Secretariat, Punjab, the pay scale of the Supervisors working in the Punjab Bhawan was ₹1500-₹2640.

6. Learned counsel for the petitioners submits that the disparity amongst the Supervisors working in the Punjab Bhawan and the Circuit Houses is violative of Article 14 of the Constitution of India and discriminatory. The petitioners, who are working as Supervisors in the Punjab Bhawan, ought to be granted the same pay scale if not more as being given to the Supervisors working in the Circuit Houses. The petitioner No.1 was selected as Supervisor at Punjab Bhawan on 01.12.1988 and placed under the pay scale of ₹1500-₹2640, similarly petitioner No.2 was also in the same pay scale.

7. *Per contra*, learned State counsel has opposed the claim of the petitioners and pointed out that the selection of the petitioners in Punjab

Bhawan is conducted under a separate set of Rules while the Supervisors in the Hospitality Department are governed by a separate set of Rules. Since the mode of appointment and field of duties are different nor they are interchangeable, the claim of parity of pay scales does not arise.

8. I have considered the submissions of the learned counsel for both the parties and perused the record available of the present case.

9. In the case of State of Madhya Pradesh Vs. R.D. Sharma and Another; passed in Civil Appeal Nos. 474-475 of 2022, decided on 27.01.2022, the Supreme Court has held that the principles of equal pay for equal work and parity in pay scale cannot be lightly granted. The apex Court has further observed that "equal pay for equal work" is not a fundamental right vested with any employee. It is merely a constitutional goal that is to be attained by the Government.

10. The recruitment Rules relating to appointment of Supervisors in the Hospitality Department, Punjab is interchangeable with Senior Assistants and Senior Assistants (Accounts). The percentage of recruitment is 25% by direct appointment and 75% by promotion from the posts of Steno Typists, Clerks, Telephone Attendants, Telephone Operators and Receptionists. The post of Senior Assistants and Senior Assistants (Account) and Supervisors, therefore, draw the same pay scale of ₹1800-₹3200. At the same time, so far as the post of Supervisors in Punjab Bhawan are concerned, the post is non-transferable and is governed by a separate set of Rules limited to the Punjab Bhawan alone.

11. The post can be filled in the Punjab Bhawan 50% by promotion amongst Storekeepers and Coupon Clerks and 50% by the direct recruitment

from a graduate, having catering diploma from a recognized Institution. The qualifications, thus, are different for the purpose, and therefore there can be no equation of posts nor the principle of equal pay for equal work will apply in this case.

12. In view of the above, the claim set up by the petitioners in this Writ Petition is not made out, therefore, this Writ Petition is **dismissed** accordingly.

August 1, 2023

Ess Kay

**[SANJEEV PRAKASH SHARMA]
JUDGE**

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No