

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

377

**CWP-19567-1996 (O&M)
Date of Decision: 12.09.2023**

Sarwan Ram

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Vijay Pal, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. The petitioner by way of this petition has claimed the pay-scale of Senior Assistant i.e. 1800-3200 from 01.01.1986 instead of the one which is being granted, vide order dated 04.12.1996.

2. Learned counsel for the petitioner submits that the petitioner was already working as a Senior Assistant and orders in this regard has already been passed earlier on 28.12.1987.

3. Learned counsel for the petitioner further submits that he was promoted against a vacant post as an Assistant, which was re-designated later on as a Senior Assistant and therefore, he should be treated as a Senior Assistant w.e.f. the date of his initial joining as 01.01.1988 in terms of the order dated 28.12.1987 and be given the pay-scale accordingly. Learned counsel submit that vide notification dated 15.06.1990, the revised scale of pay of Senior Assistant was enhanced to 1800-3200 and the petitioner therefore, was required to be placed in the said pay-scale.

4. Reply has been filed by the State, wherein, it has been stated that only 64 senior most officials were granted the scale of 1800-3200 w.e.f. 01.01.1986 as the number of post available for Senior Assistant were only 64. The others were therefore granted the said pay-scale based on the availability of the post. The petitioner did not fall in the first 64 Senior Assistants and therefore, he was not granted the pay-scale of Rs.1800-3200. At the same time, he was also not reverted and allowed to continue officiating in the pay-scale of Rs.1500-2640 and the pay-scale was allowed to him ultimately, vide order dated 11.12.1996. So far as respondent No.3 is concerned, he was senior to the petitioner and was allowed the scale of Senior Assistant w.e.f. 01.01.1986 as he was within the first 64 Senior Assistants and as per seniority, the pay-scales were being granted.

5. I have considered the submissions made by learned counsel for the parties and gone through the file record.

6. It is noticed from the reply that this Court in CWP-16350-1991 '*Kulwinder Kaur Vs. Punjab State*' has dismissed the petition where similar grounds were raised, vide order dated 30.12.1992.

7. Further on merits, this Court finds that the total cadre strength of Senior Assistants as available in the Department was 64 while 105 officials including direct appointees were working against these posts. Those who had qualified the Assistant grade examination included the petitioner too but he being junior, could not come within the first 64 Senior Assistants who have been granted the pay-scale w.e.f. 01.01.1986.

8. Taking into consideration the aforesaid facts and that the petitioner was not reverted and allowed to continue officiating in the pay-scale of 1500-2640 and also taking into consideration the order dated 11.12.1996, whereby, he was allowed the pay-scale of Senior Assistant in

the exiting pay-scale, this Court is satisfied that the action of the respondents in limiting the grant of pay-scale of 1800-3200 to the senior most 64 officials, cannot be said in any manner to be wrongful or unjustified. It is not the case of the petitioner that the cadre strength of Senior Assistants was more than 64. Had it been so, the petitioner as per his seniority if would have been granted, no irregularity could be said to have been committed.

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.

(SANJEEV PRAKASH SHARMA)
JUDGE

12.09.2023

D.Bansal

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