

359 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5667-1995 (O&M)

Date of decision: 06.01.2023

Ajay Kumar Khosla

....Petitioner

Versus

Department of Finance, Government of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Avnish Mittal, Advocate for the petitioner

Mr. R.K.Kapoor, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioner prays for issuance of a writ in the nature of Certiorari or any other writ or direction to direct the respondent to fix the pay scale of the petitioner.

2. The relevant facts, in brief, are required to be noticed, which are as follows:-

The petitioner was appointed as a Technical Assistant in the office of Chief Conservator of Forest, Punjab, on 06.02.1990. He was holding an M.Sc. degree at that point of time. Before his appointment, he worked in the office of Additional Deputy Commissioner (Development) as Statistical Assistant. The grievance of the petitioner is that he is entitled to the same pay scale as is paid to the Technical Assistant posted in the Economic and Statistical Organization on the ground that the duties and responsibilities of both the posts are same.

3. The respondents have filed their reply dated 09.01.2017. It has been stated that the petitioner was promoted as a Research Officer w.e.f 01.01.2005 at the pay scale of 7220-11660 and later on, he was appointed in the Department of Social Welfare, on transfer basis, on 01.09.2009.

4. On a specific direction of the Court, an additional affidavit dated 08.05.2018 was filed by the respondents. Para 3 thereof reads as under:-

“3. That it is pertinent to mention here that 19 posts of Technical Assistant in the pay scale of Rs.6400-10640 were sanctioned under the OECF Japan Aided Punjab Afforestation Project w.e.f 01.04.1999 vide Punjab Government letter dated 19.01.2000. As per the conditions given in the sanction letter, these posts were to be filled by deploying the staff working in the department on regular basis with the condition that post so vacated will be kept in abeyance. As per the condition no.4 given in the sanction letter dated 19.01.2000, these posts were also to be filled on contract basis in the pay scale of Rs.6400-10640. It is worth mentioning that the additional posts of Technical Assistant sanctioned by the Governmnet of Punjab were in the pay scale of Rs.6400-10640 (w.e.f 01.01.1996) whereas the pay scale of the petitioner as on 01.01.1996 was 5000-8100. It is quite apparent that the posts of Technical Assistant subsequently sanctioned were of higher scale. These posts were initially filled up on contractual basis and subsequently their services are regularized in terms of Punjab Government policy issued vide I.D No.11/8/2009-4PP3/395 dated 18.03.2011.”

5. From the reading of the aforesaid paragraph, it is evident that the other Technical Assistants working in the Department of Chief Conservator of Forest were being granted an increased pay scale of 6400-10640 w.e.f 01.01.1996. The petitioner is entitled to the pay scale for the post of Technical Assistant in the Economic and Statistical

Organization, however, w.e.f 01.01.1996, the pay scale for the post of Technical Assistant in the Forest Department was upgraded to 6400-10640. The attention of the Court has not been drawn to any justification for denying the pay scale of 6400-10640 to the petitioner w.e.f 01.01.1996, particularly when the other co-Technical Assistants were being granted the same pay scale.

6. Keeping in view the aforesaid facts, the present writ petition is allowed. The petitioner shall be entitled to pay scale of 6400-10640 w.e.f 01.01.1996 or any further revised pay scale from 6400-10640 till the period he has worked as a Technical Assistant.

7. All the pending miscellaneous applications, if any, are also disposed of.

06.01.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE