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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5349-1997 (O&M)

Date of Decision: 13.12.2023

AVTAR SINGH AND OTHERS

.....Petitioners

V/s.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Som Nath Saini, Advocate for the petitioner.

Mr. D.K. Singal, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The petitioners by way of this Writ Petition have prayed for issuance of a Writ in the nature of *mandamus* for directing the respondents to regularize their services and to grant them pay scale of ₹810-₹1400 and subsequent revision as per notification dated 20.01.1989.

2. Admittedly, the petitioners were working as Boatman. While regularizing their services, the respondents vide order dated 07.11.1996 fixed them in the pay scale of ₹750- ₹1350 with initial pay of ₹770/-.

3. The petitioners initially challenge this action of placing them in a lower pay scale by filing a contempt petition, however, as the order passed in their favour for regularization, contempt petition was disposed as having become infructuous with liberty to challenge the order of regularization. Thereafter, present Writ Petition has been filed by the petitioners wherein they claim that the pay scale of a Boatman should have been ₹810-₹1400. It is further stated that as per Second Schedule, the post of Boatman was under the existing pay scale of ₹325-₹495 and the equivalent pay scale was ₹810-₹1400/- and not ₹750-₹1350/-.

4. Learned State counsel, however, submits that the pay scales as mentioned by the petitioners are in relation to the Bhakhra Beas Management Board whereas the notification relating to the employees of the State Government of Punjab mentions separate pay scales. It is stated by the learned State counsel that the pay scale of Boatman in the earlier existing pay scale was ₹300-₹430 and not ₹325-₹495 and equivalent pay scale of ₹300-₹430 is ₹750-₹1350/-.

5. Learned State counsel has taken this Court to the notification issued vide Circular 10/116/88-FPI/1784 dated 10.02.1989 showing the revised scale of pay of various categories of posts in the PWD (B&R) Branch. The post of a Boatman is mentioned in the said Annexure I at Sr. No.62 which reflects that the existing scale of pay of Boatman is shown as ₹300-₹430 with the revised scale of pay ₹750-₹1350. The said notification dated 10.02.1989 is applicable to the petitioner as he is working in the B&R Branch. The notification quoted by the petitioners on the other is the notification dated 20.01.1989 which does not show as to whether the second schedule as mentioned therein would apply to B&R Branch. The said notification is taken on record. The Registry is directed to tag the same at the appropriate place.

6. In view of the above, the claim of the petitioners for higher pay scale of ₹810-₹1400/- is found to be not sustainable. Accordingly, this Writ Petition fails and the same is dismissed.

7. All the pending applications shall stand disposed of accordingly.

December 13, 2023

Ess Kay

**[SANJEEV PRAKASH SHARMA]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>