

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 16419 of 2015 (O&M)

Date of Decision: 18.01.2023

Baldev Randhawa

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Hemen Aggarwal, Advocate
for the petitioner(s).

Mr. Gurpreet Singh, Additional Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. While invoking the extraordinary jurisdiction of this Court, the petitioner prays for issuance of a writ in the nature of certiorari to quash the order dated 12.01.2015 whereby the petitioner's claim for grant of higher pay scale as the Motor Vehicle Inspector than the salary payable to the Service Station Incharge has been refused.

2. In substance, the petitioner claims that on being posted as a Motor Vehicle Inspector in the year 1992, he was entitled to the higher pay scale than payable to the incumbents of the Service Station Incharge. He relies upon the judgment passed in *Balwant Singh Mangat v. State of Punjab and Others (Civil Writ Petition No. 6867 of 1986, decided on 19.01.2005)* to contend that the post of Service Station Incharge is a feeder cadre post of the post of Motor Vehicle Inspector.

3. On the other hand, while defending the writ petition, the respondents have stated that the petitioner himself opted to work on the post of Motor Vehicle Inspector even though it was in the lower pay scale when compared with the pay scale which the petitioner was getting as a Service Station Incharge.

4. This Court has considered the submissions of the learned counsel representing the parties and with their able assistance perused the paper-book.

5. It is not in dispute that the post of the Motor Vehicle Inspector was, for the first time, sought to be filled up in the year 1992. At that time, the petitioner had submitted an application which reads as under:-

“With due respect I beg to state that I have been appointed as Motor Vehicle Inspector (on temporary basis) in your department through order dated 11-09-1992 in the scale of Rs. 1500-2640 on transfer bases from Transport department (Commercial Wing. i.e. Pb. Roadways. Before the appointment as M.V.I. I had been working as S.S.I in the pay scale of Rs. 1800-3200. After the appointment as M.V.I., appointment was made in a post carrying less pay than my earlier post. I therefore tender my option to accept a post in a lower grade subjected to the condition that my pay be fixed as per the provision of Chapter IV of Punjab C.S.R. volume 1 Part 1 i.e. my presumptive pay in the scale of 1500- 2640 in stud of 1800-3200 be fixed from the date of my appointment as S.S.I.”

6. It was in pursuance to the petitioner’s aforesaid request that he

was posted as a Motor Vehicle Inspector. At that time, the services of the petitioner were not regularized because his service was regularized only on 19.07.2001 w.e.f. 14.09.1992. Once the petitioner himself opted to work on a lower grade by submitting an application in this regard, he, at this stage, cannot be granted any relief. It would be noted here that in *Balwant Singh Mangat's case (supra)*, the Court only directed the authorities to remove the anomaly in the pay scale.

7. Keeping in view the aforesaid facts, no ground is made out to issue a writ. Hence, the present writ petition is dismissed.

8. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

January 18, 2023
“DK”

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