

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Writ Petition No. 1269 of 2018

Daljit Singh and Others
... Petitioner(s)

Versus

State of Punjab and Others
... Respondent(s)

2. Civil Writ Petition No. 25367 of 2022 (O&M)

Rajinder Kumar and Others
... Petitioner(s)

Versus

State of Punjab and Others
... Respondent(s)

AND

3. Civil Writ Petition No. 24695 of 2019

Sushil Kumari
... Petitioner(s)

Versus

State of Punjab and Others
... Respondent(s)

DATE OF DECISION: 25.05.2023

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Om Pal Sharma, Advocate
for the petitioners (in CWP-1269-2018 and CWP-24695-2019).

Mr. Nitesh Singla, Advocate
for the petitioners (In CWP-25367-2022).

Mr. Vikas Mohan Gupta, Additional Advocate General,
Punjab, for the respondents.

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Anil Kshetarpal, J.

1. In the aforesaid three writ petitions i.e. Civil Writ Petition No. 1269 of 2018, Civil Writ Petition No. 24965 of 2019 and Civil Writ Petition No. 25367 of 2022 that involve the identical issues, as agreed by the learned counsel representing the petitioners, are being disposed of by a common order.

2. In substance, the petitioners pray for issuance of the writ in the nature of mandamus directing the respondents to pay them the grade pay of ₹3,000/- instead of ₹2,400/- w.e.f. 06.04.2014. The petitioners claim that they were working as the Assistant Librarians in the various government schools, but later they were re-designated as Librarians. It is claimed that the School Librarians are getting the grade pay of ₹3,000/- instead of ₹2,400/-.

3. In the written statement, the respondent-State has disclosed that the petitioners were initially engaged on contract basis on the fixed remuneration of ₹4,000/- per month and after the completion of three years of their satisfactory work and conduct, they were regularized vide order dated 18.07.2012 in the pay band of ₹5910-20200 plus grade pay of ₹2,400/- as the Department of Finance had granted concurrence only for grade pay of ₹2,400/-.

4. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper-books.

5. The learned counsel representing the petitioners, while drawing the attention of the Court to the judgment rendered in ***Punjab School Librarians Union v. State of Punjab and Others (Civil Writ Petition No.***

scale was allowed by the High Court and the petitioners, who are identically situated, should be paid the same pay scale.

6. On the other hand, the learned State counsel, while explaining the difference, has submitted that in the year 2009, the minimum educational qualification for the post of Assistant Librarian/Librarian was Matriculation pass with one year Diploma in Library Science from the recognized institution, whereas, on 06.11.2011, it was amended. After the said amendment, the minimum qualification is 10+2 with two years Diploma in Library Science. While referring to the Punjab Civil Services (Revised Pay) (Second Amendment) Rules, 2000, the learned State counsel submits that the School Librarians or the Assistant Librarians who possesses educational qualification of 10+2 with two years Diploma in Library Science were placed in the pay scale of ₹4550-7220, whereas, the remaining employees were placed in the pay scale of ₹4020-6200. The relevant amendment is extracted as under:-

Sr. No. 1	Name of the post/category 2			Existing Scale 3	Revised Scale 4	Remarks 5
1.	(i)	(a)	School Librarian	1200-2130	4020-6200	Enhanced pay scale of Rs.4550-7220 may be granted to School Librarian w.e.f. the date when qualifications for the recruitment of this post is raised as 10+2 with two years diploma course in Library Science after amending the Service Rules.
		(b)	Assistant Librarian	1200-2130	4020-6200	
		(c)	Library Rastorar	950-1800	3330-6200	

Thereafter, while referring to the Schedule attached to the Punjab Civil Services (Revised Pay) Rules, 2009, when the pay scales were revised, he

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submits that the School Librarians, who were having the qualification of Matriculation with one year Diploma in Library Science, were entitled to the grade pay of ₹2,400/- as their case fell under item No. 7, whereas the School Librarians with the educational qualification of 10+2 with two years Diploma in Library Science were entitled to the grade pay of ₹3,000/- as per the item No. 9.

7. On the careful reading of the judgment passed in *Punjab School Librarians Union's case (supra)*, it is evident that the grievance of the members of the Union was only with respect to their members being placed in the lower pay scale. Moreover, the aforesaid judgment does not notice the amendments which were carried out in the year 2011. Hence, the aforesaid judgment does not help the case of the petitioners.

8. The learned counsel representing the petitioners further submit that there cannot be two different grade pays in the same cadre. The learned counsel submit that since the posts are inter-changeable, therefore, it is not permissible to have the different grade pays.

9. This Court has considered the submissions of the learned counsel representing the petitioners, but finds no merit therein. It is permissible to provide for the different pay scales/grade pays on the basis of the educational qualification. Moreover, it is also permissible to provide the different pay scales with respect to the members of the same cadre. Reference in this regard can be placed on the judgment of the Supreme Court in *State of Bihar and Others v. The Bihar Secondary Teachers Struggle Committee, Munger and Others (2019) 18 SCC 301* and the seven

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Haryana and Others (1972) 2 SCC 275.

10. In the Civil Writ Petition No. 24695 of 2019, the petitioner was previously working as the Library Attendant. Subsequently, she was promoted to the post of Assistant Librarian on 14.07.2010 and was also granted the grade pay of ₹2,400/-. Inadvertently, in the year 2013, she was granted the grade pay of ₹3,000/-.

11. The learned counsel representing the petitioner contends that the grade pay of ₹3,000/- has been revised to ₹2,400/- by an officer who was not competent. However, he admits that the petitioner does not possess the educational qualification of 10+2 with two years of Diploma in Library Science. Since the main issue with regard to the entitlement of the Librarians with respect to the grade pay on the basis of their qualification has already been decided, therefore, this Court would not like to remand this case back to the authority only on the technical grounds.

12. Keeping in view the aforesaid facts, no ground is made out to issue the writ. Hence, all the three writ petitions are dismissed.

13. The miscellaneous application(s) pending, if any, in all the three writ petitions shall stand disposed of.

**(Anil Kshetarpal)
Judge**

May 25, 2023
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No