

**CWP-22833 of 2014 (O&M)
and other connected cases**

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

**CWP-22833 of 2014 (O&M)
and other connected cases
Date of decision: 11.01.2023**

Gian Singh and others

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Verma, Advocate, and
Mr. Manish Verma, Advocate,
for the petitioners (in CWP-22833 of 2014)

Mr. Amit Jaiswal, Advocate,
for the petitioners (in CWP-16398 of 2015)

Mr. Sunil Kumar Rana, Advocate, for
Mr. Paramjit Batta, Advocate,
for the petitioners (in CWP-2620 of 2015)

Mr. Balraj Singh Sidhu, Advocate
for the petitioners (in CWP-5598 of 2013)

Mr. Charanpreet Singh, AAG, Punjab

ANIL KSHETARPAL, J(Oral)

1. By this order, four identical writ petitions i.e. Civil Writ
Petition No.22833 of 2014, 16398, 2620 of 2015 and 5598 of 2013 shall
stand disposed of.

2. The petitioners pray for their re-fixation of pay to the higher
pay scale. They are working as the Junior Draftsman in the Public Works
Department (PWD), Irrigation. Initially they were appointed as Tracers in
the PWD. Subsequently the post of Tracer was redesignated as a Junior
Draftsman. They claim entitlement to higher pay on the following grounds:-

(1) At one stage their pay band was same as the clerks.

(2) The learned counsels representing the petitioners while referring to the Punjab Civil Service (Revised Pay) Rules, 1998 submits that the difference between the pay scales of the Chief Draftsman, Circle Head Draftsman, Divisional Head Draftsman and Draftsman is between Rs.200 to 500, whereas the Junior Draftsman which is next lower post in hierarchy, the difference in the pay scale is Rs.1800/-.

(3) Once the Junior Draftsman are entitled to be promoted as the Draftsman, therefore, their pay scale should be only one band below the higher post.

3. This court has considered the submission made by the learned counsel representing the petitioners.

4. The Chief Engineer pursuant to the directions of the court has passed a detailed order on 22.04.2014. It has been held that the matter was considered in the light of the recommendations of the various Pay Commissions and Pay Anomalies Committees and it was noted that keeping in view the qualification, nature and scope of duties and responsibilities, the post of a Tracer was redesignated as a Junior Draftsman while granting them a pay scale of Rs.1200-2100 with effect from 01.01.1986 and there is no discrimination in the grant of pay scales to the petitioners.

5. Equation of various posts and grant of pay scales is a highly specialized job. For that purpose the Government constitutes Pay Commissions and thereafter an Expert Body to remove the anomalies, if any. The scope of judicial review in such matters is very limited.

6. As regards the first argument, the learned counsels representing the petitioners failed to draw the attention of the court to any conscious decision by the Government to equate the post of Junior Draftsman as with that of the Clerks. The post of a Junior Draftsman is on a technical side, whereas the Clerks are on the ministerial side. Hence, this court does not find any substance in the first argument of the learned counsel.
7. The next argument of the learned counsel is with regard to the difference in grant of pay scale to the extent of Rs.1800/- between the Draftsman and the Junior Draftsman. In the absence of rules, laying down that the next feeder cadre post has to be immediately placed in the next lower pay scale, the petitioners cannot seek the issuance of writ.
8. The argument with regard to difference of Rs.1800/- between the pay band of Draftsman and Junior Draftsman and that comparison of pay band with the higher posts in the hierarchy including the Chief Draftsman, Circle Head Draftsman, Divisional Head Draftsman and Draftsman cannot be a ground to issue the writ of mandamus.
9. Keeping in view the aforesaid discussion, the writ petition is dismissed.
10. All the pending miscellaneous applications, if any, are also disposed of.

January 11, 2023
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(ANIL KSHETARPAL)
JUDGE

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