

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5055-2016 (O&M)
Date of decision: 04.01.2023

Balbir Singh and others
Versus

....Petitioners

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurinder Pal Singh, Advocate for the petitioners
Mr. R.K.Kapoor, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioners are the Group D employees working for the State of Punjab. They pray for the issuance of a writ in the nature of Mandamus to direct the respondents to grant a higher pay to the petitioners. The entire claim of the petitioners is based upon the following tabulated compilation, which is extracted as under:-

Pay scale as on	Class C	Class D	Difference in %age terms of pay scale of Group C and D employees
01.01.1978	400-600	300-430	25%
01.01.1986	950-1800 950-2130	770-1410 800-1455 830-1500	19.95%
01.01.1996	3120-5160	2520-4140 2720-4260 2820-4400	21.38%
01.01.2006	5910-20200 (Gr.Pay 1900)	4900-10680 (Gr.Pay 1300)	20.61%
01.10.2011	5910-20200 Grade Pay increased to 2400	4900-10680 Grade Pay Rs.1300	25.40%
15.12.2011 w.e.f 01.12.2011 (two months after previous revision)	10300-34800 Grade Pay also increased to 3200 (minimum) initial pay as Rs.13500/-)	4900-10680 (Minimum initial pay as Rs.6950/-)	48.52% Rs.6550/- difference in lower limit and in totality (including Grade pay) difference to Rs.6950 (including grade pay)

2. In essence, the petitioners claim that with the passage of time, the difference between the Group C and Group D employees has increased disproportionately.

3. In the written statement filed by the State of Punjab on 27.05.2016, the following stand has been taken in para 5 and para 10, respectively:-

“5. It is also submitted that the grant of pay scale and determination of parity in pay scale is a complex matter which is for the executive to discharge. For finding out whether there is a complete and whole sale identity, the proper forum is an expert body and not the writ court, as this requires extensive evidence. The Hon’ble Apex Court have held the same in view in SC Chandra v/s State of Jharkhand (2007) and SCC 219 which has been followed in Union of India and others v/s Hiramony Sein and others (2008)/SCC 630.

In view of the above mentioned facts, it is stated that as the clerks have more responsibilities with higher qualification than that of the petitioners, therefore the claim of petitioners for grant of higher pay scale which shall be in proportion to the increase given to clerks is not justified, being devoid of merits and be rejected.

It is therefore respectfully prayed that this petition, may kindly be dismissed as per above mentioned averments reply made by the answering respondent in the interest of justice.

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10. As per Para No.10 of this writ petition, it is pertinent to mention here not only class-IV category, other categories such as Draftsman cadre has also filed a case in CWP 26458 of 2014 in which they are also demanding higher grade pay equivalent to Junior Engineer, which is still pending in Hon’ble High Court. Moreover, this issue regarding pay parity is to be resolved at the level of Finance Department.”

4. Keeping in view the aforesaid facts, this Court does not find it appropriate to issue any direction. However, the Department of Finance is requested to look into the matter and consider the request of the petitioners, in accordance with law, expeditiously, preferably within a period of six months, from today.

5. Disposed of.

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

04.01.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE