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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-29031-2023 (O&M)
Date of Decision: 21.12.2023

AMRITPAL PATHAK

.....Petitioner

V/s.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Manbir Singh Batth, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. Notice of motion.
2. Mr. Paramjit Batta, Addl. A.G., Punjab, accepts notice on behalf of the respondents-State and does not object to the proposal submitted by the learned counsel for the petitioner that a decision ought to be taken on the recommendations made by the Punjab Public Service Commission (hereinafter referred to as "the Commission") with regard to enhancing the pay scale of the Programmers working with the Commission.
3. Learned counsel for the petitioner has pointed out that while the pay scale of Programmers working in the State Government's Department is getting grade pay of ₹5000/-, however, the Programmers working with the Commission are getting grade pay of ₹3800/-.
4. Learned counsel for the petitioner submits that the grade pay is connected to the post which an employee holds and as the post is same with same educational qualifications and field of duties, grade pay also ought to be the same.

5. While this Court is of the firm view that the scope for equivalence of pay scales is not available under the judicial review and it is for the concerned Pay Commission to decide. At the same time this Court notices that the recommendations were made by the Commission to enhance the grade pay vide its letters dated 06.07.2017, 17.04.2018, 02.08.2013 and 08.02.2023, but no decision has come forward from the respondents.

6. In the circumstances, the instant Writ Petition is disposed of with directions to the State Government to form a Pay Anomaly Committee to examine the case of the petitioner for equivalence of the grade pay to the Programmers working in the Commission to that of the Programmers working in the State Departments. The said Committee should consist of one Member from the Commission, one Member from the Finance Department, Punjab. The said Committee should be asked by the State Government to give its recommendations within a time frame period. Decision of such Committee would be final for the State Government and the same shall be implemented accordingly.

7. All the pending applications in this Writ Petition stand disposed of accordingly.

December 21, 2023

Ess Kay

[SANJEEV PRAKASH SHARMA]

JUDGE

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No