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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No.20464 of 2002 (O&M)  
Reserved on: 24.09.2024  
Pronounced on: 01.10.2024

Tejinder Pal Singh  
.....Petitioner  
Versus  
State of Punjab and others  
.....Respondents

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

**Present:** Mr. B.S. Sodhi, Advocate  
for the petitioner.  
  
Ms. Saguna Arora, AAG, Punjab  
for respondent No.1.  
  
Mr. Satbir Singh Katnoria, Advocate  
for respondents No.2 and 3.

**NAMIT KUMAR J. (Oral)**

1. The petitioner has invoked the writ jurisdiction of this Court by filing the instant petition under Articles 226/227 of the Constitution of India, seeking a writ of mandamus, directing the respondents to grant the pay scale of Rs.4020-6200/- to the petitioner w.e.f. 01.01.1996, in pursuance to the recommendations of the 4<sup>th</sup> Pay Commission.
2. The brief facts as have been pleaded in the present petition are that the petitioner was initially appointed as Peon on 10.10.1988, in the Punjab Agro Industries Corporation Limited (hereinafter to be referred as ‘the Corporation’). Thereafter, on 28.10.1990, he was

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appointed as Driver in the Corporation and thereafter, as per the decision of the Board of Directors dated 22.01.1992, the petitioner was permanently transferred to Punjab Energy Development Agency (PEDA), vide order dated 28.02.1992. It has further been pleaded that the Punjab Government, vide Notification dated 25.09.1998, revised the pay scale of the Drivers and they were placed in a higher pay scale of Rs.4020-6200/- w.e.f. 01.01.1996. However, the petitioner was placed in the said scale w.e.f. 01.01.1999, vide order dated 02.03.2001.

3. The grievance raised in the present petition is that the petitioner is serving on the post of Heavy Transport Vehicle Driver w.e.f. 14.03.1997 and, therefore, he is entitled to the pay scale of Rs.4020-6200/-, which has been granted to the other heavy vehicle drivers, for which the petitioner has submitted representations dated 18.12.2000, 18.05.2001, 30.08.2001 and 23.05.2002, however, the said pay scale has not been granted to the petitioner. It has further been pleaded that in other semi-government organizations such as, District Cooperative Milk Producers Union Limited, S.A.S. Nagar, Mohali and Pepsu Roadways Transport Corporation, the said pay scale of Rs.4020-6200/- has been granted to Heavy Transport Vehicle Drivers but the same has not been granted to the petitioner and, therefore, the action of the respondents is discriminatory.

4. On issuance of notice of motion, written statement on behalf of respondents No.2 and 3 has been filed, wherein the claim of the petitioner has been opposed. In para 3 of the written statement, it has

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been stated as under:-

*“3. In reply to para 3 of the petition, it is submitted that it is incorrect that as per Punjab Government vide Notification dated 25.9.1998, the drivers were placed in the higher pay scale of Rs.4020-6200 w.e.f. 1.1.1996. It is submitted that through the notification dated 25.9.1998 the Punjab Government has not revised the pay scales as alleged by the petitioner. However, the Punjab Government has implemented the recommendations of the Pay Commission in which an employee who has not been promoted to the next post for a number of years has to be placed in the next higher pay scale under the Assured Career Progression Scheme (ACP- for short). As per the Notification dated 25.9.1998, it has been mentioned that after an employee who has put in eight years of service on a post and who has not been promoted to the next higher level on account of non-availability of vacancies at such higher level or non-existence of promotional level in the ‘cadre’ shall be granted the pay scale which is next higher scale in the hierarchy of pay scales given in column 3 of ‘First Schedule’ annexed to Rules 1998. It is submitted that the petitioner joined the duties on 31.12.1990 on the post of driver. Therefore, he completed eight years of service as on 30.12.1998. In compliance with the Notification dated 25.9.1998 the respondent No.2 placed the petitioner in the higher pay scale of Rs.4020-6200 w.e.f. 1.1.1999 as he has completed eight years of service in the cadre. Before the grant of scale of Rs.4020-6200 to the petitioner, he was in the pay scale of Rs.3330-6200. Therefore, as per the ‘First Schedule’ annexed to the Rules 1998 attached with the Notification dated 25.9.1998, the next higher pay scale was Rs.4020-6200 which was given to the petitioner after completion of eight years of service. Therefore, the order Annexure P-3 passed by respondent No.2 placing the petitioner in the higher pay scale of Rs.4020-6200 w.e.f. 1.1.1998 is perfectly legal and as per rules. Copy of the Notification dated 25.09.1998 is attached as Annexure R-1. The petitioner has not been discriminated in any manner as the pay scale of Rs.4020-6200 was also given to the other drivers of respondent No.2 after completion of eight years of service. It is submitted that the petitioner was*

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*performing duties on heavy transport vehicle from 14.3.1997. However, there is no distinction between the category of post of drivers whether he drives light motor vehicle/heavy motor vehicle/commercial vehicle/staff car as per the instructions of the Punjab Government dated 19.5.1998. The Punjab Government amended the Punjab Civil Service (Revised Pay) Rules, 1998. In the ‘Second Schedule’ appended with the said Notification dated 19.05.1998, the post of Driver has been shown at Serial No.IV sub-clause 3(i), which is reproduced as under:-*

| Sr. No. | Name of the Category/Post                                                                             | Existing Pay scale (In Rupees) | Revised Pay scale (In Rupees) | Remarks |
|---------|-------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------|---------|
| (3)     | (i) Drivers of Heavy, Light and Commercial Vehicles and Drivers of Staff Cars of various Departments. | 1020-2130                      | 3330-6200                     |         |
|         | (ii) Supervisors of Staff Cars of Secretariat and Ministers Cars Section.                             | 1200-2130                      | 4020-6200                     |         |

*A bare perusal of the above, it shows that there is no distinction of the post of drivers, whether he drives heavy vehicle, light vehicle or commercial vehicle or drives the staff car. Therefore, the claim of the petitioner that he drives heavy vehicle and should be granted the higher pay scale of the post of driver w.e.f. 14.3.1997 is not as per rules. True extract copy of the Notification dated 19.5.1998 is attached as Annexure R-2. ”*

5. In the written statement, it has inter alia been pleaded that the revised pay scale for the post of Drivers is Rs.3330-6200/- and the same was granted to the petitioner and on completion of eight years

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service as Driver, the petitioner was granted higher pay scale of Rs.4020-6200/- w.e.f. 01.01.1999. It has further been stated that there is no distinction between the category of post of Driver whether he drives Light Motor Vehicle/Heavy Motor Vehicle/Commercial Vehicle/Staff Car, as per the Instructions of the Punjab Government dated 19.05.1998 and therefore, the petitioner is entitled for the said pay scale w.e.f. 01.01.1999 and not w.e.f. 14.03.1997. In Para 11 and 12 of the written statement, it has been stated that respondent No.2 is an agency under the Punjab Government and is controlled by the Punjab Government and all its employees are getting pay scales as have been granted by the State Government to its employees. The employees of the respondent – agency are also governed by the Rules and Regulations and other Instructions of the Punjab Government and the petitioner has also been granted the pay scale as granted by the State Government to its employees and the pay scale of Rs.4020-6200/- is only available to the next higher post of Supervisor. It has also been stated in the written statement that respondent No.2 is bound by the decision of the Punjab Government and cannot give pay scale which are being given to the employees of the other semi-government organizations like District Cooperative Milk Producers Union Limited, Milk Plant, S.A.S. Nagar, Mohali and Pepsu Roadways Transport Corporation.

From the above facts, it is clear that the pay scale of the post of Driver is Rs.3330-6200 and on completion of eight years service, the petitioner has been granted the first ACP in the pay scale of

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Rs.4020-6200/- w.e.f. 01.01.1999 as the date of joining of the petitioner on the post of Driver is 31.12.1990 and he has been granted the said pay scale w.e.f. 01.01.1999. Therefore, in this view of the matter, the petitioner is not entitled for the said pay scale with effect from 01.01.1996.

In view of the above, finding no merit, the present petition is dismissed, accordingly.

01.10.2024

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(NAMIT KUMAR)  
JUDGE

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