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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5025-1996
Reserved on: 21.02.2024
Pronounced on: 06.03.2024

Ram Bhaj Rana and others ...Petitioner(s)

Versus

State of Haryana and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Arjun Pratap Atma Ram, Advocate and Mr. Brijesh Khosla,
Advocate for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana

TRIBHUVAN DAHIYA, J.

The petitioners, who were working on Group C posts in the Education Department, have sought a direction to the respondents to grant higher pay scale as compared to that of Group D posts.

2. This petition has been filed with the averments that petitioners are working as Clerks in various government colleges and possess qualification of Matric, which is a pre-requisite for appointment to Group D post of Clerks and Steno Typists, etc. Learned counsel for the petitioner has submitted that pay scales for Group D posts have always been lower than those of Group C posts, like, Laboratory Attendant. Prior to 01.01.1986, Group D posts were in the pay scale of ₹300-400 and ₹400-600, whereas Group C posts were placed in the scale of ₹400-660. However, with effect from 01.01.1986, these two Groups were placed in the same pay scale of ₹950-1500. Since under the

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Haryana Education Department, Sub Offices College Cadre Ministerial (Group-C) Service Rules, 1995 (for short, 'the service Rules'), promotions to Group C posts of Clerks are to be made from Group D on the basis of seniority-cum-merit, there is no justification to provide equal pay scales for the promotional as well as feeder posts. This is arbitrary and needs to be corrected. In support of the contention reliance has been placed upon *Partap Singh Narwal v. State of Haryana*, 2001 (4) SCT 669.

3. Learned State counsel opposes the claim raised by the petitioners, firstly, on the ground of inordinate delay in filing the petition. The petitioners' pay-scales were revised with effect from 01.01.1986 vide government notification dated 29.04.1987; whereas, the instant petition was filed after a lapse of more than nine years in March 1996. Besides, the notification also required the employees to send their representations, if any, against this revision to the Pay Anomaly Committee constituted for the purpose, but the petitioners never objected to the revised pay scales of ₹950-1500. Therefore, they are not entitled to challenge the revision of scales. Secondly, she contends that revision of pay scales is a job of the expert body and a decision to prescribe particular pay scales for a category of posts is taken by the Government keeping in view the job responsibilities, financial constraints, and various other administrative factors. Merely because pay scales for two categories of posts are equal, the same cannot be termed arbitrary.

4. Heard.

5. Material facts regarding the petitioners' date of joining or their promotion to Group C posts have not been mentioned in the petition.

Undisputed facts, as asserted by the respondents, remain that the petitioners'

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pay scales were revised to ₹950-1500 with effect from 01.01.1986, vide notification dated 29.04.1987, but they never objected to the equivalence between the pay scales given to Group D and Group C posts. The instant petition has been filed after unexplained delay of more than nine years which renders it liable to dismissal due to laches.

6. Besides, learned State counsel has submitted, on instructions, that prior to 01.01.1986 all Group D posts, including that of Laboratory Attendant, were in the pay scale of ₹400-600. The government accepted the 4th pay commission recommendations with effect from 01.01.1986, whereby Group D posts, except that of Lab Attendant, was placed in pay scale of ₹750-940; and that of Lab Attendant with Matric qualification in the scale of ₹950-1500. The pay scale for Group C posts was higher, viz., ₹950-1500 for Clerk and ₹950-1500 plus special pay of ₹100 per month for Steno Typist. Only for the post of Laboratory Attendant pay scale remained unchanged. Undisputedly, none of the petitioners was holding the post of Laboratory Attendant prior to appointment as Clerk/Steno Typist. Consequently, they can have no grievance against the equivalence of scale for the post. As per the service Rules, Laboratory Attendant possessing qualification of Matric, working in the pay scale of ₹950-1500, were eligible for promotion to the post of Junior Lecture Assistant in the pay scale of ₹1200-2040. The relevant Rule 9(1)(n) of Haryana Educational College Cadre (Group C) Service Rules, 1986, reads as under:

- 9(1) Recruitment to any post in the service shall be made –
- (a) to (m) xxxx xxxx xxxx
 - (n) in the case of Junior Lecture Assistants-
 - (i) 50% by direct recruitment; and
 - (ii) 50% by promotion from amongst Laboratory Attendants;

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7. Further, it is a settled law that prescribing pay scales for a particular post or category of posts is a job of expert bodies constituted by the Government. The scales are prescribed by taking into consideration so many factors, administrative as well as financial. Equation of posts or pay scales is also required to be determined by the experts. In case keeping in view the job requirements and responsibilities of Group D and Group C posts, it has been decided by the experts to prescribe equal pay scales for some of them, no exception can be taken to it nor can it be termed arbitrary or discriminatory only on that account.

8. The judgment relied upon by learned counsel for the petitioners in *Partap Singh Narwal* case (*supra*), holding that prescribing equal pay scale for the promotional as well as feeder post is not appropriate, and government should give higher scale on the promotional post, is not applicable to the facts of the case at hand. The petitioners were in a lower pay scale in Group D posts than the scale of their promotional post in Group C, as none of them was working as Laboratory Attendant.

9. In view of the reasons recorded, there is no merit in the petition.

10. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

06.03.2024
Payal

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No