



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(219)

CWP No. 6191 of 2021 (O&M)

Date of Decision : 18.12.2024

Jagroop Kaur and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Nitesh Singla, Advocate for the petitioners.

Mr. Swapan Shorey, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioners is that the petitioners who are seniors to one Tilak Raj in the Master Cadre are getting lesser salary than said Tilak Raj, which act is illegal and bad.

2. Learned counsel for the petitioners submits that the petitioners joined the Master Cadre in the year 2006 whereas, Sh. Tilak Raj was promoted in the Master Cadre in the year 2007. Learned counsel submits that Tilak Raj was getting more salary than the petitioners, hence, the petitioners approached the respondents for step up of their salary equivalent to Tilak Raj, which benefit has been declined by the respondents vide order dated 17.07.2020 (Annexure P-3) on the ground that Tilak Raj did not belong to the same Feeder Cadre of JBT/ETT. Learned counsel submits that the seniority position is to be seen in the Master Cadre and not in the Feeder



Cadre as, concededly Tilak Raj was promoted after the petitioners had already joined the Master Cadre in the year 2006.

3. Learned counsel for the respondents submits that the pay of Tilak Raj was fixed keeping in view the pay which Tilak Raj was enjoying in the Feeder Cadre. Learned counsel submits that though, Tilak Raj is getting higher salary but he was promoted to a different Cadre as compared to petitioners, the grant of higher salary to a junior will not entitle the petitioners to claim step up of their pay.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It is a settled principle of law that senior cannot get a lower salary than the junior. In case, any junior is getting higher salary the salary of the senior is to be stepped up so as to remove the anomaly.

6. In the present case, the petitioners joined in the Master Cadre in the year 2006, whereas Tilak Raj was promoted to the said Cadre in the year 2007. Once, Tilak Raj is junior to the petitioners in the Master Cadre, in the said Cadre, the petitioners cannot get lesser salary than an employee who was promoted to the Master Cadre after the petitioners.

7. The only reason given for not granting the benefit to the petitioners of step up of pay is that Tilak Raj was promoted from a different Feeder Cadre as compared to the petitioners. The Feeder Cadre does not matter in the present case as the position is to be seen in the promoted Cadre, where the petitioners are seniors to Tilak Raj, which fact has not been considered by the respondents.



8. Keeping in view the above, the impugned order dated 17.07.2020 (Annexure P-3) is set-aside. The case is remanded back to the authorities concerned to pass a fresh order as to whether, the petitioners are entitled for step up of their pay in the facts and circumstances of the present case. Let the fresh order be passed within a period of three months of the receipt of copy of this order.

9. Petition is disposed of in above terms.

10. Pending miscellaneous application, if any, also stands disposed of.

December 18, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No