

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

115

CWP-8109-2024
Date of decision: 10.04.2024

CHANDER BHAN
Vs.
NATIONAL INSTITUTE OF TECHNOLOGY AND ANOTHER
...PETITIONER
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Lukesh Kumar, Advocate
for the petitioner.

Mr. A.S. Virk, Advocate
for the respondents.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 28.12.2023 (Annexure P-2) whereby respondent has rejected his claim that there is anomaly in the salary of petitioner vis-à-vis respondent No. 2.
2. The petitioner joined respondent-NIT as 'Beldar' on 31.03.1993 in the pay scale of Rs. 750-940. He was time to time promoted. He was promoted to the post of Technician Grade-B w.e.f. 24.01.2001 in the pay scale of Rs.4,000-6000 (revised to PB-1 of Rs. 5200-20200 + Grade Pay of Rs. 2400/- as per 6th CPC).
3. Mr. Lukesh Kumar, Advocate submits that there was anomaly in the pay of petitioner vis-à-vis respondent No. 2, who was junior to him still getting higher pay than him. He has filed representations dated 05.01.2017, 20.06.2018, 19.01.2018, 06.06.2019, 22.08.2019, 10.10.2019, 05.10.2020, 21.10.2020 and

16.08.2021 claiming MACP and removal of pay anomaly. The respondent has wrongly, by impugned order dated 28.12.2023, rejected his claim.

4. Notice of motion.

5. Mr. A.S. Virk, Advocate, who on advance notice is present in Court, accepts notice and submits that petitioner was granted pay scale of Rs.4,000-6000/- w.e.f. 24.01.2001 whereas respondent No. 2 was granted said pay scale w.e.f. 25.01.1999 i.e. date of his joining. The respondent No. 2 joined on 25.01.1999 in the pay scale of Rs.3050-4590, however, on the recommendations of Sub Committee of Non-Teaching Employees' Grievance Committee, his pay scale was revised to Rs.4,000-6000 from the date of his joining i.e. 25.01.1999.

6. I have heard the arguments of learned counsel for the parties and perused the record.

7. From the perusal of record, it is evident that respondent No. 2 joined on 25.01.1999. The petitioner was promoted on 24.01.2001. The respondent granted pay scale of Rs. 4,000-6,000 to respondent No. 2 w.e.f. 25.01.1999 and said benefit was not granted to petitioner. The benefit of re-fixation of pay scale was granted to respondent No. 2 on 31.12.2005 but was not paid arrears. The petitioner has not brought on record any document disclosing that between December' 2005 to January' 2017, he raised his grievance. It comes out from the impugned order that first time in January, 2017 he filed representation claiming MACP and removal of pay anomaly. The representations of the petitioner were duly replied by letter dated 24.01.2017, 10.07.2018 and 03.02.2022. The respondent by speaking order dated 28.12.2023 has rejected claim of the petitioner on the ground that respondent No. 2 was granted pay scale of Rs. 4,000-6000 w.e.f. 25.01.1999 whereas petitioner was granted said pay scale w.e.f. 24.01.2001. Any order, at this stage would amount to grant of pay scale of Rs. 4,000-6000 to petitioner w.e.f. 24.01.2001 whereas

petitioner till 2017 remained silent though higher pay scale was granted to respondent No. 2 in 2005. In any case, a Committee considered claim of respondent No. 2 in 2005 and granted higher scale from 1999 whereas petitioner was granted said scale from 2001. The petitioner has not advanced any logical ground to claim parity with respondent No. 2, who was granted higher pay scale in 2005 w.e.f. 25.01.1999. The petitioner by repeated representations is trying to revive a stale claim, if any.

8. In the wake of above facts and circumstances, this Court does not find any infirmity in the impugned order warranting interference.

9. Dismissed.

10.04.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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