



CWP-6912-2000 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-6912-2000 (O&M)
Date of Decision :14.08.2024

Om Parkash Suri and others**...Petitioners**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Deepak Sahni, Advocate for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

In the present petition, grievance of the petitioners is that they are senior to the private respondents No.3 and 4 in the cadre of Clerk as well as in the cadre of Labour Inspector Grade-II but they were getting lesser salary than the private respondents hence, they are entitled for step up of their pay equivalent to that of their juniors.

As per the facts which have been mentioned in the writ petition, the petitioners were appointed as Clerk starting from 1962 to 1969. Thereafter, petitioner No.1 was promoted to the post of Labour Inspector Grade-II in the year 1980. Respondents No.3 and 4 were promoted as Labour Inspector Grade-II along with petitioner No.3 on 19.12.1994.

While working on the post of Labour Inspector Grade-II, the

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respondent No.3 and 4 were getting higher pay and the grievance of the petitioners is that the petitioner's salary should also be stepped up equivalent to that of respondents No.3 and 4.

Upon notice of motion, the respondents have filed reply wherein, it has been mentioned that respondent No.3 and 4 were initially promoted as Assistant from the post of Clerk and started getting higher salary. As per the respondents, from the post of Clerk, an employee could be chosen to be promoted as Assistant or to the post of Labour Inspector Grade-II and respondents No.3 and 4 chose to be promoted to the post of Assistant and their salary was fixed in the said cadre. Thereafter, when the claim of the petitioners were considered for promotion to the post of Labour Inspector Grade-II, claim of respondent No.3 and 4 was not being considered as they have already chosen to get promoted to the post of Assistant hence, they approached this Court by way of filing CWP-7588-1990, which petition was allowed in their favour so as to direct the department that they should also be considered for promotion to the post of Labour Inspector Grade-II and ultimately, they were also promoted to the post of Labour Inspector Grade-II and as at the time of their promotion, they were drawing a particular salary while working on the post of Assistant, the same was protected as a personal measure after their promotion as Labour Inspector Grade-II.

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

It is a conceded position that the petitioners were senior to respondents No.3 and 4 in the cadre of Clerk but certain facts intervened that

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respondent No.3 and 4 were promoted to the post of Assistant due to which, they started getting higher pay in the said cadre. Further, even while working as Assistant keeping in view the order passed by this Court in CWP-7588-1990, direction was issued to consider them for promotion to the post of Labour Inspector Grade-II and they were ultimately, promoted to the said post.

While fixing their salary in the cadre of Labour Inspector Grade-II, the salary which was being drawn by respondents No.3 and 4 as Assistant was kept in mind and their salary after promotion to the post of Labour Inspector Grade-II was protected, keeping in view the higher salary drawn by them while working on the post of Assistant, The said benefit was given to them under the Rule 4.4. of the Punjab Civil Services Rules. Once, the salary of respondents No.3 and 4 upon promotion as Labour Inspector Grade-II as being drawn by them while working on the post of Assistant was protected, the petitioners despite the fact that they were senior in the cadre of Clerk cannot claim the same salary. A protected salary cannot be extended to another employee as the protected salary is personal to the said employee. The employee whose salary has been protected keeps on getting the same till after the grant of increment, the employee reaches the stage where the protected salary becomes equivalent to the entitled salary in the promoted/appointed cadre, hence claim of the petitioners that they be also given the protected salary as given to respondent No.3 and 4 cannot be allowed as the petitioners never worked on the post of Assistant.

Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference by this Court is made out and the

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writ petition is accordingly dismissed.

Civil miscellaneous application pending, if any, is also disposed of.

August 14, 2024

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No