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

897

CWP-16128-2009
Date of Decision:30.09.2024

Harjinder Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present: None for the petitioner.

Mr. Tapan Kumar, DAG, Haryana

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**AMAN CHAUDHARY J. (Oral)**

1. Prayer made in this petition is for stepping up the pay of the petitioner at par with his junior R. P. Narang-respondent No.3

2. Learned State counsel refers to para No.1 of preliminary submissions of the written statement, to which there is no replication filed, which reads thus:

> "1. That the petitioner through this writ petition has requested for issuance of a writ in the nature of certiorari for quashing Annexure P-5 and further a writ of mandamus for directing respondent No.1, to step up the pay of the petitioner at par with his junior Sh. R. P. Narang. However, in this regard, it is submitted that the petitioner has deliberately misinterpreted the law laid down by the Hon'ble Apex Court in case Union of India V. P. Jagdish 1997 (2) SCT 664. In fact, the true position regarding the stepping up principle as have been held in this judgment (P. Jagdish) is that, "this principle becomes applicable when the junior officer and the senior officer belong to the same category and the post from which they have been promoted and in the promoted cadre the junior officer on being promoted later than the senior officer gets a higher pay" as is itself clear from page 6 of the writ petition itself. Pertinently, the Annexure P-5 describes this position as such, the petitioner was from different category/cadre of post of Assistant and was working in the pay scale of Rs.5000-7800 and has been

promoted on the post of Asstt. Excise and Taxation Officer, while Sh. Sunil Kumar Sharma was working on the post of Taxation Inspector through direct recruitment in the pay scale of Rs.5500-9000 and accordingly promoted as Asstt. Excise and Taxation Officer in the pay scale of Rs.6500-10500.

Similar is the position with regard to respondent No.3, who was directly recruited as Taxation Inspector in 1982 in the pay scale of Rs.600-20-700-1100, while the petitioner was promoted as Taxation Inspector on 20.04.1987, i.e. much after Sh. R.P. Narang (respondent No.3). So, this writ petition is liable to be dismissed only on these respectful submissions made above. Further, it is also respectfully submitted that it is a settled law that difference in duties justifies difference in pay and the doctrine of equal pay for equal work postulates equal pay for equal work for those who are equally placed in all respects."

3. In view of the above, the present writ petition is disposed of, reserving the petitioner with a liberty to get it revived, in case need arises.

**(AMAN CHAUDHARY)**
**JUDGE**

**September 30, 2024**
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Whether speaking: Yes/No
Whether reportable: Yes/No