

CM-8339-CWP-2024 in/and
CWP-23758-2017 (O&M) and
other connected matters

2024:PHHC:160868



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104+233)

CM-8339-CWP-2024 in/and
CWP-23758-2017 (O&M)
Date of Decision : 02.12.2024

Satnam Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(233/2)

CWP-17097-2023 (O&M)

Neelam Devi

...Petitioner

Versus

State of Punjab and others

...Respondents

(233/3)

CWP-17735-2023 (O&M)

Surinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Mohit Sadana, Advocate for the petitioners
in CWP-23758-2017.

Mr. A.K. Walia, Advocate for the petitioners
in CWP-17097-2023 & CWP-17735-2023 and
for petitioner Nos. 11 and 12 in CWP-23758-2017.

Mr. Swapan Shorey, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. By this common order, three writ petitions, the details of which
have been given in the heading, are being decided as all these petitions
involve the same question of law on similar facts.



2. In the present bunch of petitions, the grievance being raised by the petitioners is that they are being discriminated with the other School Librarians, who are working in the same Department of Education Senior Secondary Schools as, two different pay scales have been allowed to the similarly situated employees working in the same Cadre.

3. Learned counsel for the petitioners submits that the Librarians who were working prior to the joining of the petitioners, have been allowed the pre-revise pay scale of ₹4550 - ₹7220 which has been revised to ₹5910- ₹20200 with the Grade Pay of ₹3000/- and the petitioners have been allowed the un-revise pay scale of ₹4020 - ₹6200, which has been revised to ₹5910- ₹20200 + Grade Pay of ₹2400/-.

4. Learned counsel for the petitioners submits that once the Cadre is the same and the qualification of all the employees working in the Cadre is also the same, the grant of two different pay scales is arbitrary and illegal and discriminatory.

5. Upon notice of motion, the respondents have filed the reply, wherein, the respondents have stated that keeping in view the grievance which was raised by certain employees so as to claim the benefit of Notification dated 27.05.2009 qua the grant of pay scale, which pay scale was further revised on 06.11.2011, the Librarians who were having the qualification of 10+2 with two years Diploma Course in Library Science from recognized University were held entitled for un-revise pay scale of ₹4550 - ₹7220 and the said pay scale was admissible to the other Librarians, as and when they attain the said qualification and the rest of the Librarians



were to be granted the pay scale of ₹4020 - ₹6200 and the benefit which has been extended to the petitioners is of the basic pay of the post of Librarians admissible at the time of their recruitment, hence, the petitioners who have been only appointed in the year 2015, cannot make any grievance.

6. Learned counsel for the respondents further concedes the factum that the petitioners are also having the qualification of 10+2 with two years Diploma Course in Library Science from recognized University but submits that the same will not entitle the petitioners the benefit of un-revised pay scale of ₹4550 - ₹7220, which is only admissible to an employee, who was already in service as on 06.11.2011.

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

8. It is a conceded fact that the School Librarian is entitled for the pay scale of ₹4020 - ₹6200 but, the Librarians who were having qualification of 10+2 and were also having two years Diploma Course in Library Science from a recognized University were given pay scale of ₹4550 - ₹7220 vide Notification dated 06.11.2011. As per the Notification dated 06.11.2021 the said pay scale was to be given from the date the candidate possess the qualification mentioned here-in-before. The employees who were not having the said qualifications, were to continue in the pay scale of ₹4020 - ₹6200/- until they also possess the qualification of 10+2 with two years Diploma in Library Science and upon attaining the said qualification, those Librarians were also held to be entitled for the pay scale of ₹4550 - ₹7220.



9. The petitioners came into service after the Notification dated 06.11.2011. Their posts were also advertised after the said date. It was incumbent upon the respondents that once the candidate with 10+2 having two years Diploma in Library Science, were granted the un-revised pay of ₹4550 - ₹7220, the same should have been made applicable upon the employees, who were appointed in the year 2015 and were possessing the qualification mentioned here-in-before i.e. 10+2 i.e. two years Diploma in Library Science from a recognized University.

10. Learned counsel for the respondents has not been able to dispute that all the petitioners fulfilled the qualification of 10+2 with two years Diploma in Library Science. That being so, the petitioners are also to be given the benefit of the same pay scale as being given to the Librarians, who are already working and were having 10+2 qualification with two years Diploma in Library Science keeping in view the Notification dated 06.11.2011. The non-grant of the same will amount to discrimination as, the employees working in the same Cadre performing the same duty having the same qualification cannot be discriminated for the grant of pay.

11. Further, only the candidates who do not have 10+2 or two years Diploma in Library Science were to be given the pay scale of ₹4020 - ₹6200 keeping in view the Notification dated 06.11.2011. The grant of the said pay scale to the petitioners is arbitrary and illegal. Later on the pay scale of ₹4550 - ₹7220 was further revised to 5910-20200 with the Grade Pay of ₹3000/- and the same has been granted to the Librarians, who were having qualification of 10+2 with two years Diploma in Library Science whereas,



the petitioners who also have the same qualification have only been granted the pay scale of ₹5910 - ₹20200 and the Grade Pay of ₹2400/- by treating in the pay scale of ₹4020 - ₹6200.

12. Hence, the petitioners are also held entitled for the Grade Pay of ₹3000/- from the date, as being granted to the other similarly situated Librarians, who also have the same qualification as the petitioners are having from the date, the same has been granted to them in case, the petitioners were in service on the said date. In case, the petitioners join the service on a later date, the petitioners will also be entitled for the Grade Pay of ₹3000/- from the date the petitioners have been appointed so as to avoid any discriminatory. Let the respondents grant the benefit to the petitioners as mentioned here-in-before with regard to the Grade Pay of ₹3000/- in the pay scale of ₹5910 - ₹20200 within a period of eight weeks of the receipt of copy of this order as stated here-in-before.

Petitions are allowed in above terms.

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

A photocopy of this order be placed on the file of connected cases.

December 02, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No