

LPA-2113-2024

2024.PHHC.116249-DB



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

LPA-2113-2024 (O&M)

Date of Decision: September 03, 2024

State of Punjab and others

..... Appellants

Versus

Paramjit Kumar

..... Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. R.S. Pandher, Sr. DAG, Punjab.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 18.07.2023 passed by learned Single Judge whereby CWP-37209-2019 filed by respondent (writ petitioner) was allowed.

2. CWP-37209-2019 was filed by respondent (writ petitioner) for setting aside order dated 03.01.2018 passed by present appellants during pendency of CWP-20062-2017 filed by him. Writ petitioner also sought release of all financial benefits including fixation of pay and arrears to petitioner as granted to him vide office order dated 26.05.2016. Admittedly, writ petitioner a Matriculate possessing two years ITI diploma working as Meter Reader in Water Supply and Sanitation, Sub Division No. 8, SAS Nagar, Mohali had been granted pay scale of Rs.140-300 vide order dated 26.05.2016 consequent to

LPA-2113-2024

decision dated 30.05.2008 in CWP-10759-1990 titled ‘Rajinder Pal Gautam and others versus State of Punjab’, which had been filed by persons identically situated as the writ petitioner. Decision dated 30.05.2008 was upheld by Division Bench of this Court in LPA-44-2009 passed on 15.02.2010. CWP-10073-2011 titled ‘Darshan Singh and others versus State of Punjab and others’ filed by identically affected persons was also allowed. Admittedly, pay scales had been linked with educational qualifications and benefit accordingly, given consequent to report of Pay Commission submitted in 1968. It was held in the case of Rajinder Pal Gautam (supra) that:

“14. After hearing the learned counsel for the parties and taking into account the fact that the pay scales have been linked since 1969 with the educational qualification and all other categories like Fitters, Electricians, Carpenters, Masons, Operators, Drivers, Well Borer and Rock Drillers etc. have been granted benefit of higher pay scale of Rs. 140- 300, there is no reason to segregate the category of the petitioners for refusing grant of higher pay scale of Rs. 140-300. Such a segregation would not stand the test of Article 14 of the Constitution. According to the classical test of classification enunciated by Hon'ble the Supreme Court while interpreting Article 14 of the Constitution two following conditions are required to be fulfilled :

- i) that the classification is founded on intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group; and
- ii) that differentia has a rational relation to the object sought to be achieved by the impugned legislative or executive action.”

3. Pursuant to said decision, case of writ petitioner was also considered by the authorities and pay scale of Rs.140-300 was granted vide order dated 26.05.2016. Relevant extract of order dated 26.05.2016 is duly reproduced in para 5 of impugned order dated 18.07.2023 order, therefore, is not being reproduced for the sake of brevity. Subsequent thereto, writ petitioner sought release of entire financial benefit flowing from order dated 26.05.2016.

When the amount was not released, CWP-20062-2017 was filed by petitioner.

LPA-2113-2024

However, during pendency of this writ petition, authorities withdrew order dated 26.05.2016 on 03.01.2018. Hence, aggrieved of said orders, CWP-37209-2019 was filed after withdrawal of CWP-20062-2017.

4. Stand taken by the authorities was that job profile of petitioner cannot be taken to be technical because he is merely a Meter Reader performing a clerical job of recording readings and computing the consumption. Learned Single Bench while considering the issue concluded that it was specifically observed in Rajinder Pal Gautam's case (supra) that pay scales of skilled and semi-skilled employees have been linked with their qualifications since 1969. Even drivers had been granted the benefit of higher pay scale of Rs.140-300. Meter Reader, apart from recording the meter reading has to record satisfaction that meter in question is intact, in working condition and not tampered, therefore, it cannot be held that job of meter reader is a mere clerical job or a job of Accountant. In this regard, learned Single Judge held as under:-

“ In Rajinder Pal Gautam's case, even Drivers have been granted the benefit of higher pay scale of Rs. 140-300. On the same premises, the petitioner who had to visit the premises of the consumers and open up the meter boxes and record readings from water meter after ascertaining as to whether the meter is functional or not can safely be said to partly technical. It would not be out of place to mention that before recording reading, the Meter Reader would satisfy himself regarding the meter being intact and in working condition and in case the same is not so he would record a report to this effect. Thus, it cannot be said that the job of a Meter Reader is just a 'clerical' job or a job of an Accountant. As a matter of fact, even when the petitioner had been granted the pay scale of Rs. 140-300 vide order dated 26.5.2016 (Annexure P-3), it is specifically recorded therein that the same is linked on the basis of his educational/technical qualification. The impugned order dated 3.1.2018 (Annexure P-1/A) vide which the order has been withdrawn is absolutely a non-speaking order and no reason has been assigned therein for withdrawing the same.”

5. Learned counsel for appellant is unable to point out any infirmity or irregularity in impugned order dated 18.07.2023 which calls for interference.

LPA-2113-2024

6. No other argument has been raised.
7. In the given facts and circumstances as above, impugned order dated 18.07.2023 is upheld. Appeal is, accordingly, dismissed being devoid of any merit.
8. As the matter has been considered and decided on merits, adjudication upon application seeking condonation of delay of 370 days in filing the appeal, is rendered academic. Application is disposed of accordingly.
9. Pending application(s), if any, stand(s) disposed of as well.

(LISA GILL)
JUDGE

September 03, 2024
Rts

(SUKHVINDER KAUR)
JUDGE

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