



CWP-19264-1996 (O&M)

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

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CWP-19264-1996 (O&M)

Decided on :21.03.2025

BIKKAR SINGH AND ORS

. . .Petitioners

Versus

STATE OF PUNJAB AND ORS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Bikramjit Singh Patwalia, Advocate
for the petitioners.

Mr. Malkiat Singh, DAG, Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance being raised by the petitioners, who are working as Statistical Assistants in the State of Punjab is that they are entitled for the same pay-scale as is being granted to the employees working on the post of Assistants 'B' class under the Government of Punjab on the ground that the petitioners are entitled for the same pay-scale as being granted to their counterparts working in the Government side from time to time.

2. Learned counsel for the petitioners submits that once the petitioners were working as Statistical Assistant and prior to 1986, they were granted the same pay-scale as was being granted to employees working as the Assistant as 'B class' and the anomaly qua the pay scale which occurred in the year 1986 continued upto the year 1996, after which period also, the parity amongst both kinds of employees qua their pay scale has been granted, the disparity qua the pay-scale which was



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practiced by the Government for the period starting from 1986 to 1996 needs to be rectified and the petitioners who are working as Statistical Assistants are entitled for the grant of benefit of pay-scale equivalent to what the employees working on the post of Assistant were getting.

3. Learned counsel for the petitioners further submits that the said claim of the petitioners is also covered by the Regulations which provide for rules governing over the service, according to which rules, the petitioners are entitled to get the same pay-scale as was being granted to their counterparts/Assistants working under the Punjab Government side which pay-scale is fixed from time to time.

4. Learned counsel for the petitioners also submits that even the State level Coordination Committee has recommended for the claim of the petitioners so as to grant them the equivalent pay-scale as was being granted to the Assistants 'B' class of the Government of Punjab which recommendation of the committee was not taken to the logical end so as to grant the benefit of the equivalent pay-scale to the petitioners.

5. Learned counsel appearing on behalf of the respondents submits that setting up the quantum of the pay-scale comes within the domain of the employer and the same has been fixed by the experts keeping in view the various inputs and once, a particular pay-scale has been granted to the employees by way of notification issued to them by the competent authority, the same has to be granted to them.

6. Learned counsel for the respondents further submits that the claim of the petitioners that they have not been granted the same pay



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scale as was being granted to the Assistant 'B' class working in the State of Punjab on the ground of the parity is incorrect as there is no parity between the employees working on the post of Statistical Assistants and the Assistants 'B' class working in the State of Punjab.

7. Learned counsel for the respondents further submits that not only the qualification required for the post of Statistical Assistants and Assistants 'B' class are different but also the nature of duties they perform are different hence, the claim of the petitioners that they are entitled for the grant of benefit of equal pay scale as was granted to the Statistical Assistants is not made out in the facts and circumstances of the present case, hence, the writ petition may kindly be dismissed.

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

9. Firstly, setting up of the quantum of the pay-scale that an employee would receive lies within the domain of the employer especially when the employer has delegated the said duties to the experts. Once, the experts recommend a particular pay-scale for a particular post, the same has to be given due importance rather than the pay scale to be granted as per the discretion of the Court. Court should be slow in interfering in the recommendation of the employees qua grant of pay-scale.

10 Further, the only the claim of the petitioners is that they are entitled for the same pay scale as being granted to their counterparts keeping in view the rules governing the service. The claim is being made qua the post of Assistants 'B' class. The question which needs



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consideration is whether, the Statistical Assistants who are working in the State of Punjab are equivalent to the Assistant of the State of Punjab in terms of the qualification required or nature of duties they perform or not so as to claim the parity of the pay scale.

11 Learned counsel for the petitioners has not been able to show to this Court that the qualification required for filling up the post of Assistant 'B' class with that of the post of Statistical Assistant are equivalent or that the nature of duties being performed by the Statistical Assistant is also *akin* to the post of Assistant 'B' class. Once, the qualification required for the post of statistical assistant and that of Assistant 'B' class are different, the claim being raised by the petitioner under the rules governing the service that the petitioners are entitled for the grant of benefit of pay-scale equivalent to their counterparts working in the State of Punjab is not made out in the facts and circumstances of the present case.

12. Further, the only ground raised by the petitioner is that prior to the year 1986, the pay-scale being allowed to the statistical Assistant was equivalent to that of Assistant, which parity was restored even after the year 1996 and therefore, the same has to be maintained even for the period 1986 to 1996.

13. It may be noticed that the parity cannot be claimed as a matter of right as the same depends upon various inputs and the recommendations of the experts. Merely that the post of Assistant 'B' class with that of Statistical Assistant were given the same pay-scale prior to the year 1986 and even after 1996, is no ground to grant the

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parity qua the pay-scale even for period 1986 to 1996 as the parity can only be claimed if two posts envisage same qualification and nature of duties, which is missing in this case, hence, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

14. The present petition stands dismissed.

15 Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

21.03.2025

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Whether speaking/reasoned: Yes/~~No~~

Whether Reportable: ~~Yes~~/No