



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

103

CWP-11488-2025

Date of Decision: 07.08.2025

Gurvachan Singh**....Petitioner****Versus****Union of India and others****....Respondents**

(2)

CWP-9239-2025

Gurvachan Singh**....Petitioner****Versus****The Union of India and others****....Respondents**

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

Present: Mr. Ashwani Bhardwaj, Advocate
for the petitioners in both the petitions.

Mr. Shubham Thakur, Senior Panel Counsel
for respondent-UOI (in CWP-11488-2025).

Mr. Amit Sharma, Senior Panel Counsel
for respondents (in CWP-9239-2022).

Harsimran Singh Sethi, J. (Oral)

1. In the present bunch of petitions, the grievance being raised by the petitioners is two fold; the first one is that the petitioner has been transferred from Equine Breeding Stud, Hisar to Equine Breeding Stud, Babugarh, Uttar Pradesh, vide transfer order dated 16.01.2023, displayed on 21.01.2023 by respondent No.4, by treating him as a Syce though, the



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petitioner was appointed as a Blacksmith vide appointment letter dated 17.12.2008 and continues to hold the said post and therefore, the said transfer as Syce is incorrect and outside the Cadre the petitioner was appointed, which is impermissible. The second prayer of the petitioner is that when the petitioner was appointed as a Blacksmith vide appointment order dated 17.12.2008, the pay scale admissible to petitioner was mentioned, which included Rs.1900/- as a Grade Pay, whereas, the petitioner was never given the said Grade Pay of Rs.1900/- but, was only being the Grade Pay of Rs.1800/- and, therefore, the petitioner should be granted the Grade Pay of Rs.1900/- instead of Rs.1800/- while working on the post of Blacksmith.

2. Learned counsel appearing on behalf of the respondent submits that the petitioner has not brought the correct facts before this Court so as to claim that he continues to be working on the post of Blacksmith whereas, in the year 2009, the petitioner competed for the change of the Cadre by appearing in a written examination and after clearing the written examination, the petitioner was brought in the Cadre of Syce and on the date when the transfer order was issued on 16.12.2023, the petitioner was working as a Syce and not as a Blacksmith, as has been claimed.

3. Learned counsel for the respondent further submits that at the time when the petitioner was appointed as Blacksmith in the year 2008, the post of Blacksmith had been abolished but, keeping in view the request made by the petitioner, he was appointed in December 2008 but, as no post of Blacksmith existed at that time, he was granted the Grade Pay of Rs.1800/- instead of Rs.1900/- and therefore, once the said grade pay has been accepted by the petitioner for more than a decade, he cannot turn around now to claim



the Grade Pay of Rs.1900/-.

4. We have the learned counsel for the parties and have gone through the record with their able assistance.

5. The first question being decided by this order is whether the petitioner is entitled for the Grade Pay of Rs.1900/- as is being claimed for working on the post of Blacksmith or not. A bare perusal of the appointment order dated 17.12.2008 of the petitioner, which has been brought on record clearly shows that the petitioner was appointed as a Blacksmith on 17.12.2008 in the pay scale of Rs.5200-20200+1900/- Grade Pay. Once the appointment order stipulated the Grade Pay as Rs.1900/-, the petitioner is entitled to claim the same as, it is a conceded position that the said appointment order was never amended to record that the petitioner is entitled only for Rs.1800/- Grade Pay and not Rs.1900/- Grade Pay. Once, in the appointment order, the Grade Pay of Rs.1900/- in the Cadre of Blacksmith has been provided, the respondents were under obligation to grant him the said Grade Pay. Hence, it is directed that from the date of appointment as Blacksmith till the petitioner's Cadre was changed to Syce, the petitioner is held to be entitled for the Grade Pay of Rs.1900/- and the respondents are directed to recalculate the salary of the petitioner on the basis of the said Grade Pay and the difference of amount, which has not been paid to the petitioner so far, be released to him within a period of eight weeks of the receipt of the copy of this order.

6. The learned counsel for the petitioner concedes the fact that after the appointment in 2008, the petitioner appeared for the change of Cadre from Blacksmith to Syce. He appeared in the written examination and cleared the same after which, his Cadre was changed to Syce in the year 2009 and he



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continues to be working on the said post since then. Learned counsel for the petitioner has not been able to dispute the said facts. Once, the Cadre change has taken place by transferring the petitioner from the Cadre of Blacksmith to Syce keeping in view the fact that the post of Blacksmith had been abolished, treating the petitioner as a Syce for the purpose of movement order cannot be treated as arbitrary or illegal. The order passed by the Tribunal qua the said fact needs no interference at the hands of this Court as, the petitioner is to be treated as a part of the Cadre of Syce from the year 2009, and the said prayer is, accordingly rejected.

7. Photocopy of this order be placed on the file of other connected case.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(VIKAS SURI)
JUDGE**

August 07, 2025

Varinder

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No