



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

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**CWP- 13518-2015 (O&M)
DECIDED ON:29.10.2025**

S.K. VERMA AND OTHERS**...PETITIONERS****VERSUS****UNION OF INDIA AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. R.D. Bawa, Advocate,
Mr. Samuel Gill, Advocate,
Mr. Randhir Bawa, Advocate and
Mr. Rishab Rana, Advocate for the petitioners.

Mr. Shivoy Dhir, Advocate
for the respondent-FCI

SANDEEP MOUDGIL, J

Prayer

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to the respondents to grant upgraded pay scale of ₹5000-8000/- for the purpose of pay fixation w.e.f 01.01.1996 and its corresponding revised pay scale of ₹9300-34800/- with Grade Pay of ₹4200/- w.e.f 01.01.2006 to the post of Supervisor Stores Grade-II (Civil).

2. The petitioners are in possession of Diploma in Engineering. The Central Government has accepted recommendation of 6th Pay Commission and implemented it w.e.f. 01.01.2006. In the recommendations of Pay Commission, in Para No.7.39.22, it has been enjoined that posts of Overseer (Civil), Border Roads Organization, for which minimum qualification for direct recruitment is Diploma in Engineering, be merged with Superintendent



BR Grade-II and be placed in the upgraded pay scale. The pay scale for the post of Overseer (Civil) as on 01.01.1986 was ₹975-1540/- and on 01.01.1996 was ₹3200- 4900/-. The pay scale of Superintendent BR Grade-II was ₹1400-2300/- w.e.f. 01.01.1986 and w.e.f. 01.01.1996 it was ₹4500-7000/-. Both the posts were proposed to be merged and placed in upgraded pay scale of ₹5000-8000/-. In the said paragraph, it was further provided that posts similarly placed and carrying minimum Diploma in Engineering should also be extended said pay scale. Para 7.39.22 of the recommendations reads as under:-

“7.39.22 Higher pay scale has been demanded for the post of Overseer (Civil) in Border Roads Organization on the ground that the minimum qualification for the post is Diploma in Engineering. The post carries minimum direct recruitment qualification of Diploma in engineering. These minimum qualifications had been prescribed in 1996. Fifth CPC, in their Report submitted in 1997, had recommended the scale of Rs.5000-8000 for all posts carrying minimum direct recruitment qualifications of Diploma in Engineering. This recommendation was accepted. The post should consequently have been extended the scale of Rs.5000-8000 w.e.f. 1.1.1996. This was, however, not done. The Commission, accordingly, recommends that the post of Overseer may be upgraded and merged with their promotional post of Superintendent BR Grade II (present scale Rs.4500- 8000. Since the Commission has recommended merger of the scales of Rs.5000-8000, Rs.5500-9000 and Rs.6500-10500, the post will be placed in the revised Pay Band PB-2 of Rs.8700-34800 along with a grade pay of Rs.4200. Commission also advises the Government to implement this retrospectively from 1.1.1996, at least for the purpose of fixation of pay.”

3. The Joint Director (Admn.) in its communication dated 13.05.2009 (Annexure P-7) has noted that case for upgradation of pay scale of ₹5000-8000/- in respect of different categories of employees was forwarded to Secretary, BRDB, who in turn has suggested to forward a consolidated proposal. The relevant extracts of communication dated 13.05.2009 read as:

“UPGRADATION OF PAY SCALES IN RESPECT OF DIRECT RECRUITMENT DIPLOMA HOLDERS AS PER RECOMMENDATIONS OF 6TH CPC



1. *It is intimated that a case for upgradation of pay scale of Rs.5000-8000/- (Pre-revised) and revised pay of Rs.9300-34800 with Grade pay of Rs.4200/- in respect of following categories who are similarly placed and carrying minimum qualification of three years diploma in Engineering was forwarded to Sectt BRDB:-*

- a) Charge Mechanic*
- b) Charge Electrician*
- c) Assistant Chargeman Operator (Signalas)*
- d) Chargeman Signals*
- e) Store Supur Grade II*
- f) Draughtsman Grade II (Civil)*
- g) Draughtsman Grade II (Mech)*

2. *In turn, Sectt BRDB has suggested to forward a consolidated proposal in respect of those posts where minimum entry level qualification for direct recruitment is three years diploma in engineering or equivalent as per Recruitment & Promotion Rules 1982.”*

4. The Gauhati High Court in ***GS-161752 OVSR Ghanashyam Vishwakarma V. Director General, Border Roads Organisation and others, 2010 SCC OnLine Gau 416***, held as under:

“26. In the present case the executive instruction/decision vide the impugned letters dated 3.10.2008 (Annexure No. 6), 11.5.2009 (Annexure No. 12 and 4.5.2009 (Annexure No. 13) which are in derogation of the Central Civil Service (Revised Pay) Rules, 2006 for the post of Overseer and also the recommendation in para 7.39.22 of the 6th Central Pay Commission, which has been approved by the Central Government by necessary enactment of the Rules, i.e., the said Rule, are Illegal and not acceptable under the law. For the foregoing reasons and discussions, this court has no alternative except to direct the respondents, in the given case, to revise the pay scale of the petitioner, who is working as regular Overseer at the scale of Rs. 5,000-8,000 per month with effect from the date the Overseers with Diploma in Civil Engineering enjoyed the revised pay scale of Rs. 5,000-8,000 per month as per the recommendation of the 6th Central Pay Commission, which has been accepted by the Government of India; and also pay the arrear pay and allowances within four months from the date of receipt of this judgment and order. The corollary result would be that the said impugned letters or/decisions of the respondents, dated 3.10.2006 (Annexure No. 6), letter dated 11.5.2009 (Annexure No. 12) along with letter dated 4.5.2009 (Annexure No. 13) mentioned above for



denying the revision of pay scale-of the petitioner at Rs. 5,000- ,000 per month only because the petitioner is not Diploma holder are hereby quashed. Writ petition is allowed, accordingly.”

5. Pursuant to the aforesaid judgment, a number of employees of respondent department filed writ petitions before Gauhati High Court claiming higher grade pay in terms of report of 5th and 6th Pay Commission. The Gauhati High Court vide judgment dated 01.02.2011 in ***Pramod Singh and others v. Union of India and others, WP (C) No.3756 of 2009***, applying the principle of equality as contemplated by Article 14 of the Constitution of India, concluded that petitioners who have alternative qualifications are entitled to higher pay scale as has been extended to Diploma Holder Charge Mechanic. The relevant extracts of the said judgment read as:-

“10. I have given my anxious consideration to the submissions made by the learned counsel for the parties and the materials available on record. The relevant recommendation made by the 6th CPC has been quoted above. Dealing with the post of Overseer (Civil) in the BRO, the 6th CPC has noted the minimum direct recruitment qualification for the post of Overseer (Civil). Referring to the recommendation of the 5th CPC in their report submitted, in 1997 by which a recommendation was made for the scale of pay of Rs. 5000-8000/- for all posts carrying minimum direct recruitment qualification diploma in Engineering which was accepted, it was recorded that consequential action was not taken. Accordingly, it was recommended that the post of Overseer should be upgraded and merged with their promotional post of Superintendent (Br.) Grade-II and the combined cadre be the extended scale of pay is Rs. 5000-8000/-.

11. Dealing with the cadre of Superintendent Grade- I, the 6th CPC also note d that the said post in the Civil Engineering and Electrical & Mechanical cadre have been extended the pay scale of Rs. 4500-000/-, even though the minimum qualification for direct recruitment included diploma in Engineering. Noticing the recommendation of the 5th CPC for placement of all posts requiring minimum entry level qualification for direct recruitment of diploma Engineering as Rs. 5000-8000/, it was also noticed that even though the recommendation was accepted by the Govt., but the same had been



extended in respect of the posts because only some of the posts are filed through direct recruitment. It was categorically stated that such an interpretation was not correct interpretation of the 5th CPC recommendation as per which all posts carrying minimum qualification requiring diploma in Engineering for direct recruitment had to be placed in the scale of pay of Rs. 5000-8000/-. Significantly it was noted that the post of Superintendent Grade-II has an element of direct recruitment minimum qualification for which is diploma in Engineering.

12. Nowhere in the aforesaid recommendation the category of employees possessing alternative qualification has been excluded from the purview of upgradation to the said pay scale. Due emphasis was given on the post and not in the incumbents concerned. Further, what has been emphasised is that such upgradation should be provided to where there is element of direct recruitment of the incumbents possessing diploma in Engineering. The recruitment rules itself provides alternative qualification which the petitioners do possess. Any interpretation other than the plain and unambiguous meaning effected in the said recommendation will amount to giving an different meaning to the said recommendation.”

6. Learned counsel for the petitioner submits that case of the petitioner is squarely covered by judgments of Gauhati High Court in ***Pramod Singh (supra) and Ghanashyam Vishwakarma (supra)***. The respondents have extended benefit of re-fixation of pay in terms of recommendations of the 5th and 6th Pay Commission even to non-diploma holders whereas petitioners are Diploma Holders in Engineering and thus, the petitioners cannot be denied benefit of higher pay scale.

Analysis

7. Having heard the arguments of learned counsels for both sides and perused the record with their able assistance. It is apposite to note that the respondents have not disputed the submission advanced by the petitioner qua the judgments of Gauhati High Court in ***Pramod Singh (supra) and***



8. At the very outset, The conceded position emerging from record is that petitioners are working with respondent as Supervisor Stores Grade-II in GREF. That the qualification for direct recruitment to the post of Supervisor Stores Grade-II was Diploma in material management or inventory control or store keeping from recognized institution OR Diploma in Mechanical/Automobile/Telecommunication Engineer or equivalent or Matriculate or equivalent, passed class one course for Storeman Technical. Subsequently the qualification of graduation was also added as alternative qualification. However, the diploma in Material Management is itself a post graduate diploma. The respondent *vide* communication dated 13.05.2009 and 05.01.2010 formed an opinion that revised pay scale should be available to all similarly placed employees who are carrying three years Diploma in Engineering or equivalent. The respondent has implemented judgments of Gauhati High Court and extended benefit of revised pay scale even to non-diploma holders.

9. The Gauhati High Court in ***Ghanashyam Vishwakarma (supra)*** extended benefit of higher pay scale to Overseers who had been promoted from different cadres and were not possession Diploma in Engineering. Ghanashyam was initially appointed as mason and he was simple higher secondary pass. He had passed matric and higher secondary after joining as mason. He was promoted on the post of Overseer against 90% quota for different lower posts.

In ***Pramod Singh and others (supra)***, Gauhati High Court considered claim of vehicle mechanic, welder, turner and electricians who were promoted to the post of Charge Mechanic. The essential qualification for direct recruitment or through promotion for entry into cadre of charge mechanic was three years



diploma and in alternative matriculate with ITI. The Court relying upon its earlier judgment in Ghanashyam Vishwakarma (supra) extended benefit of higher pay grade to petitioners who were not possessing three years diploma in engineering but alternative qualification i.e. matriculation with ITI.

10. From the perusal of judgments of Gauhati High Court, it is evident that Court has formed an opinion that benefit of revised pay scale should be available even to non-diploma holders. Employees working as Charge Mechanic or Overseers though not possessing Diploma in Engineering have been extended benefit pay scale at par with Charge Mechanic or Overseers possessing Diploma in Engineering. The Court has considered that employees cannot be denied higher grade on the ground that they are possessing alternative essential qualification. The respondent has further accepted judgment of Gauhati High Court and formed an opinion that benefit of said judgment should be extended to similarly placed employees. The petitioners possess the requisite qualifications; however, the respondent is denying them the benefit of the revised pay scale solely on the ground that merely holding an engineering qualification does not entitle an individual to claim the pay scale applicable to another category or hierarchy. According to the respondent, the petitioners' position as Stores Supervisors Grade II is not comparable to that of Overseers or Charge Mechanics. The petitioners are Diploma Holders in Engineering and they were appointed on the basis of said qualification. The respondent has extended benefit of revised pay scale even to non-diploma holders, thus, it is iniquitous to deny benefit of revised pay scale to the petitioners who are Diploma Holders in Engineering.



Conclusion

11. In light of the foregoing facts and findings, this Court is of the considered view that the present petition merits acceptance. The petitioners are entitled to the pay scale of ₹5000–8000 with effect from 01.01.1996, along with the corresponding revised pay band PB-2 of ₹9300–34800 and Grade Pay of ₹4200/-. It is clarified that the petitioners shall be entitled to the benefit of pay revision from the date of their entitlement; however, arrears shall be payable only from the date of filing of the writ petition, as the respondents remained inactive despite existing judicial precedents. The petitioners shall not be entitled to any interest on the arrears.

29.10.2025
Sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

:Yes/No
:Yes/No