IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

236 (06 cases) **CWP-21373-2016**
Date of Decision :28.01.2025

Harjinder Singh & others **...Petitioners**

Versus

State of Punjab and another **....Respondents**

CWP-23741-2016

Tejwant Singh & others **...Petitioners**

Versus

State of Punjab and others **....Respondents**

CWP-18682-2017

Ram Gopal **...Petitioner**

Versus

State of Punjab and others **....Respondents**

CWP-14012-2019

Bikkar Singh **...Petitioner**

Versus

State of Punjab and others **....Respondents**

CWP-34155-2019

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Surinder Pal Singh and others ...Petitioners

Versus

State of Punjab and another ....Respondents

CWP-13604-2024

Jagir Singh and others ...Petitioners

Versus

State of Punjab and others ....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vivek Singla, Advocate for the petitioner(s).

Ms. Akshita Chauhan, DAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

1. In the present bunch of petitions, the grievance being raised by the petitioner(s) is that keeping in view the notification issued by the State of Punjab, an employee who was possessing higher qualification than the one required for the post on which he/she is working as per the rules, benefit of higher pay scale was to be granted but the said benefit has not been granted to the petitioners who are working on the post of Pump Operator on the ground that the petitioners only possess the requisite qualification for appointment to the said post whereas, the employees who have the qualification of matriculation with two years diploma, are to be granted the benefit of higher pay scale as per the judgment in ***LPA-44-2009 titled as***

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State of Punjab and others vs. Rajinder Pal Gautam and others, decided on 15.02.2010.

2. Learned counsel for the petitioners submits that though, the petitioners are only possessing the qualification of matriculation with one year diploma but the Plumbers, who also have the same qualification have been considered for the grant of benefit of higher pay scale as per the judgment in ***Rajinder Pal Gautam (supra)*** hence, the said benefit should also be given to the Pump Operators who have the qualification of matriculation with one year diploma.

3. Learned counsel for the respondent-State submits that once, a particular qualification has been prescribed for the post and it is only in case an employee has higher qualification than the one required to be eligible, the benefit of higher pay scale is to be given and concededly, the petitioner(s) are only having the qualification which is required for eligibility qua the post of Pump Operator and do not have higher qualification, the claim for the grant of benefit of higher pay scale even to the Pump Operators is not made out.

4. Learned counsel for the respondent-State further submits that the petitioners have not challenged the prescription of higher qualification of two years diploma to be eligible for the benefit under the judgment in ***Rajinder Pal Gautam (supra)*** hence, no benefit can be extended to them.

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

6. The prescription of a particular pay scale and the qualification required for a particular post is within the domain of the employer and the

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Court cannot interfere.

7. Further, as per the judgment in ***Rajinder Pal Gautam (supra),*** only the members of the cadre, who have qualification more than required eligibility qualification to be appointed in the particular cadre, are to be granted the benefit of higher pay scale. The higher qualification required to be possessed have also been mentioned in the Notification, which was directed to be implemented by the Court while passing order in ***Rajinder Pal Gautam (supra).***

8. Once, concededly the petitioner(s) do not possess the higher qualification than the one required to be appointed on the post of Pump Operator, the petitioner(s) cannot say that they are more qualified and eligible for the benefit of higher pay scale under the judgment in ***Rajinder Pal Gautam (supra).*** Merely, that another cadre of Plumber has been granted the benefit of higher pay scale with one year diploma, same cannot be made applicable upon the other cadre including the Pump Operator.

9. Further, the prescription of the higher qualification of 02 years diploma to be essential for the grant of benefit of higher pay scale to the cadre of Pump Operator, is not under challenge. Once, a particular qualification has been prescribed for the grant of pay scale of Rs.5910-20200 plus 2800 Grade Pay only to those who have two years diploma to their credit, the same cannot be treated as arbitrary and the petitioner(s) cannot claim the same even if, they do not possess the said qualification.

10. Learned counsel for the petitioner(s) has conceded before this Court that for the grant of the benefit of pay scale, the same could only be extended to the Pump Operators, who are matriculate and having 02 years

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diploma, which qualification petitioner(s)' do not possess. Once, the petitioner(s) do not meet the requisite qualification for the grant of benefit of higher pay scale because they do not possess the qualification higher than the one prescribed for eligibility to be appointed as Pump Operator, the claim raised in the present petitions cannot be entertained.

11. The argument of the learned counsel for the petitioner(s) that the Plumbers have been granted the benefit of higher pay scale who possess 01 year of diploma, cannot be made applicable towards the cadre of Pump Operator, which is a separate cadre.

12. Keeping in view the above, no ground for interference by this Court is made and the writ petitions are accordingly dismissed.

13. Civil miscellaneous application pending, if any, is also disposed of .

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

January 28, 2025 **(HARSIMRAN SINGH SETHI)**
aarti **JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No

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