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

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CWP-18770-2020 (O & M)
Date of decision: 23.01.2025

Navdeep Singh and others

....Petitioners

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Yagyadeep, Advocate,
for the petitioners.

Mr. Satnam Preet Singh Chauhan, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for directing the respondents to grant same pay scale to the petitioners, which has been granted to their juniors.

2. The petitioners were recruited as Assistant Agricultural Engineers Grade-II by way of direct recruitment in the Department of Agriculture, in 2002, whereas on 18.05.2007, those who were appointed as Agriculture Inspectors in 1986, were promoted as Assistant Agricultural Engineers Grade-II, but are getting higher pay scale to them.

3. The issue involved herein stands already decided by the Division Bench in **Sarvjit Singh and others vs. State of Punjab and another**, CWP-11697-1995, decided on 06.05.1996, wherein the stand



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taken was the same as in the present case, relevant paras whereof read thus:

“Whether a person who is senior in Punjab Agricultural service, can be denied the pay scale which has been granted to the junior on the ground that the Junior has been in longer period of service? This is the precise question which falls for consideration in this writ petition.

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In their written statement, the respondents have admitted that the petitioners were appointed by direct recruitment. It has been explained that the persons promoted against the promotion quota posts and having more length of service than the petitioners are getting higher pay in view of the notification dated 18.09.1992 (Annexure P-2). It has been further stated that the three classes of the service have been merged into one and the same scale of Rs.2200-4000 has been sanctioned at the time of entering into the service and thereafter scale of Rs.3000-4500 has to be given has to be given after completing 8 years of service and Rs.3700-5300 after completing 18 years of service. It has been clarified that this is a matter of administrative set up that the junior officers are working under the other senior officers. It has been averred that the decision of the State Government by the issuance of the impugned notification is legal and valid and for the same reason the representation made by the petitioner has been rejected.

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We have considered the respective arguments advanced at the Bar and have given careful thought to the situation created by the impugned notification.

It is not disputed that the petitioners were recruited directly to class II of the service and they were getting higher pay scale than the officers junior to them are recruited to class III of the service. This continued till the year 1992 when the impugned notification was issued and all the three classes of the service were merged into one i.e. class II and class III officers were made class I officer and a single scale was granted at the time of entry into the service. The pay scales of Rs.3000-4500 and Rs.3700-5300 are to be given after 8 years and 18 years of service respectively. The grant of higher pay scale merely on the basis of the length of service without taking into consideration the seniority of the officers whereby the seniors like the petitioners are



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admittedly getting lower pay than their juniors even though they are working as subordinates to them. Such an action has already been held to be violative of Articles 14 and 16 of the Constitution of India. In S.M. Allyas Vs. Indian Council of Agriculture Research, A.I.R. 1993 S.C. 384 their Lordships of the Apex Court have been pleased to hold that "it does not stand to reason that a person having been appointed as Scientist later on who gets less salary than his junior.....". A similar view has been expressed by this Court in C.W.P. No.11292 of 1991 Balbir Singh Rathee Vs. State of Haryana and another decided on 31.01.1994. It was held that the grant of higher pay to a junior merely on the basis of the length of service is ex-facie arbitrary and violative of equality clause enshrined in Articles 14 and 16 of the Constitution.

No reasonable rationale has which created such an anomalous situation where a junior Agriculture Officer gets a higher pay than a senior, is discernible from the impugned notification (Annexure P-2) nor has any been pointed out on behalf of the respondent-State in this regard. Therefore, the validity of the said impugned notification to the extent cannot be upheld.

In the result this writ petition is allowed. The impugned notification (Annexure P-2) in so far as it provides for grant of higher scale of pay only on the basis of the completion of 8/18 years of service and not seniority, is held to be violative of Articles 14 and 16 of the Constitution of India. The respondents are directed to give to the petitioners same pay scale being granted to their juniors who have completed 8/18 years of service prior to the petitioners with all consequential benefits including the arrears of pay with effect from 18.09.1992. The respondents shall make the necessary payment to the petitioners within three months from the date of receipt of copy of this order. In case the payment is not made within three months, the petitioners shall be entitled to payment of interest at the rate of 12 percent per annum from the date of accrual till the date of payment. However, in the circumstances, there will be no order as to costs."

4. This judgment was followed in CWP-25517-2012, **Dr. Ranjit Singh and others vs. State of Punjab and others'**, which was



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allowed on 06.10.2017, LPA against which filed by the State has also been dismissed on 15.03.2023.

5. Learned State counsel despite his best efforts has been unable to controvert regards the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.

6. In wake of the above, the present petition is disposed of in terms of **Sarvjit Singh**(supra).

23.01.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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