

**CWP-9205-2015****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH************204****CWP-9205-2015****Date of Decision: 28.08.2025****HARBEER KAUR****...Petitioner****Vs.****UT OF CHANDIGARH AND ORS.****...Respondents****CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Kshitij Sharma, Advocate with
Mr. Shubhkarman Singh Gill, Advocate
for the petitioner

Ms. Madhu Dayal, Advocate and
Ms. Sukhmani Patwalia, Advocate
for the respondents/U.T.

*********JAGMOHAN BANSAL, J. (ORAL)**

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 27.08.2014 whereby respondent has rejected her claim for higher pay scale.

2. The petitioner pursuant to advertisement of 1989 applied for the post of Instructor (English Stenography/Typing). There was only one post which was created by respondent. The petitioner came to be selected on the said post. In her appointment letter, pay-scale payable to her was duly jotted down. The said scale was Rs.1400-40-1800-EB-2300 plus usual allowance as sanctioned by the Corporation from time to time. The respondent No.3-The Chandigarh Child and Women Development

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Corporation is a Chandigarh Administration Undertaking. The Administration vide notification dated 30.11.1992 decided to revise pay scale of Stenography Instructors. Pays cale of Government Central Craft Institute for Women was also revised from 570-1080 (as on 31.12.1985) to 1640-2925. The petitioner claims that she is also entitled to revised pay scale of Rs.1640-2925. She should be given notional pay scale from the date of her joining and actual from the date of filing writ petition.

3. Learned counsel for the petitioner submits that petitioner is at par with employees of U.T. Administration. There are other Corporations of U.T. Administration where employees are paid revised pay scale at par with employees of U.T. Administration. The petitioner has been discriminated. She was not aware of revised pay scale and as soon as she came to know of her right, she approached authorities and impugned order came to be passed. There is no delay on her part. It is a recurring cause thus, doctrine of delay and latches is not applicable.

4. *Per contra*, learned counsel for the respondent submits that petitioner is claiming revision of pay scale in terms of Notification dated 30.11.1992. She was confirmed on 31.03.1993. She remained silent for almost two decades and approached this Court in 2015. She even otherwise is not entitled to revised pay scale because Corporation is an independent entity. It has its own Service Rules. The pay scale of its employees is entirely different from employees of U.T. Administration. Salary of U.T. employees is 100% borne by Central Government, whereas Corporation has to arrange its sources.

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5. I have heard learned counsel for the parties and perused the record of the case.

6. From the perusal of record, it comes out that respondent in the petitioner's appointment letter specifically mentioned pay scale. The petitioner happily accepted appointment letter as well as order of confirmation. The U.T. Administration revised pay scale in 1992 and she was confirmed in 1993. She did not raise objection at any stage. However, she raised issued of revision in 2012 by way of representation. It is settled law that representations do not extend limitation and doctrine of delay and laches is applicable to writ jurisdiction. There is substance in the contention of the petitioner that she was in service in 2012 and writ petition was filed in 2015 while in service and her cause is recurring, thus, she may be denied arrears but cannot be deprived from her valuable right of revision of pay.

7. The question arises of eligibility of the petitioner. The respondent has categorically averred that their employees are governed by Service Rules of Chandigarh Child & Women Development Corporation Limited. The respondent is a limited company. It is not getting 100% reimbursement of salary from U.T. Administration. The U.T. Administration has revised pay scale of Stenography Instructors of I.T.I. and C.C.I. where stenography instructor plays vital role in view of the fact that those organizations are primarily engaged in imparting education/training, whereas, respondent has created 1 post of Stenography Instructor just to help poor women. The job profile of

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Stenography Instructor of respondent cannot be compared with Stenography Instructors of I.T.I. and C.C.I.. In any case, respondent has not adopted notification of U.T. Administration. In the absence of adoption of notification of U.T. Administration, the petitioner cannot claim benefit of any notification issued by U.T. Administration. In the appointment letter, pay scale which was different from U.T. employees was duly incorporated. The petitioner cannot claim revision of scale unless and until revised pay scale is adopted and implemented by respondent.

8. In the wake of above factual position, this Court is of the considered opinion that the instant petition deserves to be dismissed and accordingly dismissed.

9. Pending application(s), if any stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

28.08.2025*Deepak DPA*

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No