



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

Date of decision: 09.12.2025

1. LPA-1574-2012 (O&M)

Bhakra Beas Management Board and another ...Appellants

Vs.

Malkiat Singh ...Respondent

2. LPA-1254-2012 (O&M)

Bhakra Beas Management Board and another ...Appellants

Vs.

Ramesh Kumar ...Respondent

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

**Present: Mr. Sachin Mittal, Advocate
for the appellants in LPA-1574-2012.**

**Mr. Anil Kumar Sharma, Advocate
for the appellants in LPA-1254-2012.**

**Mr. S. S. Rana, Advocate
Mr. Arvind Kumar Sharma, Advocate
for the respondents.**

ASHWANI KUMAR MISHRA, J. (Oral)

**1. These two appeals are by the Bhakra Beas Management Board
(hereinafter referred to as 'Board') assailing the judgment of the learned Single
Judge dated 23.03.2012 passed in Civil Writ Petition No. 14980 of 2003 and**



other connected cases. The facts have been extracted from leading Letters Patent Appeal, wherein, the judgment delivered in Civil Writ Petition No. 14980 of 2003 was challenged.

2. The Board has been constituted pursuant to the Punjab Reorganization Act, 1966. Its functioning staff was inducted from Punjab, Haryana and Rajasthan. The Board also inducted employees directly.

3. In the present appeals, we are concerned with the fixation of pay scale of Chief Fire Officer. The post of Chief Fire Officer is a Class II post. Admittedly, there are no statutory rules, which regulated the service conditions of the Chief Fire Officer. It is the case of the Board that it follows the pattern of the Punjab State Electricity Board in determination of pay scale to the employees who were placed in Group B/Class II.

4. Before the learned Single Judge, a challenge was raised to the decision of Board contained in Annexure P-15, whereby pay scale of Chief Fire Officer was fixed w.e.f. 01.01.1986. Promotional pay scale after 09 years and 16 years was also determined by this order. The basic scale of pay for Chief Fire Officer was fixed at Rs.2200-4000. In the writ petition, the respondent-petitioner urged that he was entitled to parity in the payment of pay scale with Sub Divisional Officer who had been placed in the pay scale of Rs.2200-4250 with a promotional pay scale of Rs.2400-3000 and second promotional pay scale of Rs.4500-6300. The writ petition has been allowed by the learned Single Judge and parity in the matter of pay scale has been granted to Chief Fire Officer with the Sub Divisional Officer. The basis for allowing the claim of the respondent-petitioner are the two orders of the Board dated 16.09.1955 and 23.02.1981. By the first order dated 16.09.1955, the post of



Chief Fire Officer is re-designated as Sub Divisional Officer, Fire Protection.

The order dated 16.09.1955 is reproduced:-

"The post of Fire Chief is hereby converted into that of Sub Divisional Officer, Fire Protection and Sh. A.N. Ahluwalia, Fire Chief is hereby re-designated as Sub Divisional Officer-Fire Protection (Fire Chief) with effects from 20.09.55. He will remain attached to Communication and Material Division as before."

5. The subsequent order of 23.02.1981 is order of permanent absorption of One T.M. Kaul as Chief Fire Officer in the Board. The selection Grade for the post of Sub Divisional Officer has been allowed to the Chief Fire Officer. The order dated 23.02.1981 is also reproduced as under:-

"Post of Chief Fire Officer does not have a selection grade. We have agreed to allow Shri Kaul the revised scale of the post of S.D.O. (It is Rs. 940-1850) vide this office U.O. No.3/E) (A-BBMB)/80 Vol.11-Loose dated 12.2.81. We do not consider the selection grade of the post of S.D.O. to the post of Chief Fire Officer as justified".

6. Relying upon these two documents, learned Single Judge has come to the conclusion that the post of Chief Fire Officer was to be treated at par with Sub Divisional Officer and the grant of lesser pay scale to Chief Fire Officer was impermissible.

7. Learned counsel for the Board has argued that the fixation of pay scale for Class I and Class II, employees of the Board was on the basis of the pay scale admissible to the employees of Punjab State Electricity Board. He has invited our attention to an order dated 24.05.1990 passed by the Punjab State Electricity Board, as per which the pay scale was revised w.e.f.



01.01.1986. This order would reveal that the post of Chief Fire Officer as well as post of Sub Divisional Officer carried the same pay scale till the revision of pay scale on 01.01.1986. For both the posts, the pay scale was Rs.940-1850. However, when the pay scale was revised w.e.f. 01.01.1986, the post of Chief Fire Officer was placed in the pay scale of Rs.2200-4000, whereas, the pay scale for the post of Sub Division Officer was revised to 2200-4250. Higher pay scale was made admissible on completion of 09 years and 16 years. A subsequent order passed by the Board has also been placed on record as per which the subsequent revision of pay scale w.e.f. 01.01.1996 also maintained distinction between the post of Chief Fire Officer and Sub Divisional Officer. For the post of Chief Fire Officer, the pay scale was revised to Rs. 7500-13700 from Rs. 2200-4000, whereas, for the post of O.S.D., the pay scale was enhanced to Rs.7750-14500 from erstwhile Rs.2200-4250. With the aid of these two documents, it is sought to be urged that any order passed prior to 01.01.1986 granting parity in the payment of pay scale to Chief Fire Officer with that of Sub Divisional Officer will not carry any weight, particularly, when the pay scale for the two posts stood revised differently and the revision of pay scale w.e.f. 01.01.1986 was not under challenge.

8. Learned counsel for the respondent on the other hand, defends the judgment of the learned Single Judge for the reasons assigned therein. It is urged that in fact the post of Chief Fire Officer and Sub Divisional Officer were treated alike in the matter of determination of the pay scale and the distinction drawn vide Annexure P-15, was arbitrary. It is also submitted that in fact the post of Chief Fire Officer did not carry any particular pay scale and the pay scale was fixed for the first time in the year 2003 vide Annexure P-15. It is



submitted that this order has rightly been set aside by the learned Single Judge.

9. Having examined the respective contentions, we find that for the Class I and Class II employees of the Board, no separate service rules existed nor their pay scale was separately prescribed. The specific stand of the Board is that they followed the pattern of Punjab State Electricity Board. Till 01.01.1986 the post of Chief Fire Officer and Sub Divisional Officer carried same pay scale. It is only w.e.f. 01.01.1986 that the pay scale of Chief Fire Officer and that of Sub Divisional Officer was differently prescribed. This distinction was also maintained after the new pay scale got enforced w.e.f. 01.01.1996. The revision of pay scale and prescription of distinct pay scales for Chief Fire Officer and Sub Divisional Officer were not specifically assailed.

10. Post of Sub Divisional Officer *vis-à-vis* Chief Fire Officer cannot be equated inasmuch as the work and responsibilities of two posts are entirely distinct. Learned Single Judge has not returned any finding that these two posts carry the same responsibility. Law is otherwise settled that unless two posts are comparable in terms of qualifications, work and responsibilities, parity between them would not be permissible.

11. So far as the two orders relied upon by learned Single Judge is concerned, we find that these two orders pertained to the period prior to 01.01.1986, wherein, no distinction existed between the post of Chief Fire Officer and Sub Divisional Officer insofar as it related to their pay scales. After the pay scale was revised w.e.f. 01.01.1986, the orders that were passed earlier cannot be pressed into service to set at naught the distinction in pay scale drawn after 01.01.1986.

12. Since the consistent stand of the Board is that they have adopted



the revised pay scale as was allowed for the employees of Punjab State Electricity Board and the pay scale of Chief Fire Officer stood specified at Rs.2200-4000 and the same was subsequently revised w.e.f. 01.01.1996 to Rs.7500-13700, the admissible pay scale for the respondent-petitioner will have to be as per it i.e. Rs.2200-4000 as revised to Rs.7500-13700. The respondent was not entitled to any higher pay scale on the alleged parity with the post of Sub Divisional Officer. We wish to reiterate that posts of Chief Fire Officer and Sub Divisional Officer are two separate and distinct posts carrying different work and responsibilities, which cannot be equated nor pay parity between them can be allowed only because prior to 01.01.1986 they were placed in the same pay scale.

13 The appeals of the Board consequently succeed and are **allowed**. The order passed by the learned Single Judge is set aside. The Board is directed to ensure that the pay scale at par with Chief Fire Officer of Punjab State Electricity Board i.e. pay scale of Rs. Rs.2200-4000 alongwith promotional pay scale would be extended to the respondent w.e.f. 01.01.1986 as revised from 01.01.1996.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

09.12.2025

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No