



203

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

LPA-1823-2010 (O&M)

Date of Decision: 10th March 2026.

S.C. GUPTA

.....Appellant(s)

V/s

INDIAN RAILWAY CONSTRUCTION COMPANY LTD. AND OTHERS

.....Respondent(s)

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

Present Mr. Sanjeev Kaushik, Advocate,
 Mr. Dipanshu Kaushik, Advocate,
 Ms. Manreet Kaur, Advocate and
 Ms. Amisha Rana, Advocate for the appellant.

Mr. Laxman Choudhary, Advocate, and
Mr. Avtar Singh, Advocate for the respondents.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This Appeal arises out of judgment dated 19.04.2010 passed by the learned Single Bench in CWP-5492-1990, filed by the appellant.

2. Learned Single Bench has dismissed the Writ Petition where the appellant had raised claim for promotions to the posts of Assistant Manager Technical in the pay scale of ₹750-₹1200/- w.e.f. June, 1982 ; Deputy Manager in the pay scale of ₹1100-₹1600/- w.e.f. 18.10.1985 ; Manager (Civil) in the pay scale of ₹1500-₹2000/- w.e.f. 16.10.1989.

3. Learned Single Bench has noticed the facts of the case according to which the appellant was initially appointed as Junior Engineer (Civil) on 23.06.1981 from an open competition in the pay scale of ₹550-

₹750/-. He was appointed in the Indian Railway Construction Company (IRCON). The claim of the appellant for promotion is based upon grant of higher scale of pay to two persons namely, R. Venkatraman and R.K. Singh who came on deputation from the Indian Railways. According to the appellant, those persons were placed in the scale of pay lower than that of the appellant and therefore, once such persons have been absorbed in service on the scale of pay ₹700-₹1200/- w.e.f 24.05.1985 then the appellant, having been appointed in the higher scale of pay, was entitled to parity in the matter of fixation of scale of pay.

4. Learned Single Bench has rejected the claim of the appellant after noticing the Service Rules as per which promotion to the post of Deputy Manager (Civil) could be made from two distinct channels. One channel was by way of promotion from the post of Technical Officer in the scale of pay of ₹700-₹1200/- while the other channel was by way of promotion from the post of Junior Engineer/Foreman.

5. Learned Single Bench has observed that though other persons were initially appointed in a lower scale of pay but when they were brought on deputation to IRCON, they were placed in the scale of pay of ₹700-₹900/- as Technical Officers. It is further observed by the learned Single Bench that law permits an employee to be placed in a higher scale of pay while being brought on deputation to a different organization. It is in this context that learned Single Bench has observed that when the appellant was appointed in 1981 as Junior Engineer (Civil) and has been promoted to the

post of Foreman in the pay scale of ₹700-₹900/-, his claim for promotion at par with other persons, was bereft of merits.

6. Assailing the judgement of the learned Single Bench, the appellant contends that the order by which R.K. Singh was taken on deputation clearly acknowledges that he was to be taken on deputation on the scale of pay that was carried by him in the Indian Railways. In this regard, reliance is placed on a communication (Annexure P-45) which bears the date of 31.01.1982.

7. Admittedly, in the Writ Petition, there was no challenge laid to the deputation or subsequent absorption of R.K. Singh and other persons. Annexure A-3 is an office order passed by the Company Secretary, IRCON as per which the absorption of R.K. Singh was on the post of Technical Officer in the scale of pay of ₹700-₹1200/- w.e.f. 24.05.1985. This order is not under challenge. R.K. Singh has otherwise not only worked but has retired long back. Similar is the position of the present appellant.

8. The question for consideration in the present Appeal is as to whether the appellant could claim parity with R.K. Singh and others on the ground that the initial pay fixed for them was lower than the pay scale in which the appellant was appointed.

9. Having gone through the materials on record, we find that the promotion to the post of Deputy Manager was from two distinct channels of feeding cadres. The appellant was appointed as Junior Engineer and his promotion to the post of Foreman has been allowed in the year 1987. It was thereafter that further promotion could have been considered. As against the

appellant, R.K. Singh was absorbed in the post of Technical Officer on the scale of pay of ₹700-₹1200/- w.e.f. 24.05.1985. Once it is observed that the appellant and R.K. Singh came from two distinct feeding cadres, and the placement of R.K. Singh in pay scale of ₹700-₹1200/- was not an issue nor was challenged, the appellant could not claim parity with R.K. Singh in the matter for grant of higher pay scale. The rejection of claim of the appellant for promotion, in such circumstances, merits no interference of this Court. In view thereof, the Appeal fails and is **dismissed**, accordingly.

10. All pending applications, if any, in this case are dismissed of accordingly.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

March 10, 2026
Ess Kay

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No