
(2013) 09 P&H CK 0054
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 13850 of 1999

Gagan Walia and Others

APPELLANT

Vs

The State of Punjab and Others

RESPONDENT

Date of Decision : 19-09-2013

Acts Referred:

Citation : (2013) 09 P&H CK 0054

Hon'ble Judges : Mahesh Grover, J

Bench : Single Bench

Advocate : Aarti Bansal, for Mr. Shirish Gupta, for the Appellant;

Final Decision : Disposed Off

Judgement

Mahesh Grover, J.—The petitioners have filed the instant petition praying for issuance of a writ in the nature of mandamus directing the respondents to upgrade the post of Assistant Sales Officers (Grade II) as Assistant Sales Officers on the parity of a similar treatment being given to Field Officers Grade II, whose posts have been upgraded as Field Officers. All the petitioners, except petitioner No. 1, were appointed directly as Sales Representatives/Field Representatives. In 1992, the Board took a conscious decision that all Field Assistants/Salesmen should be designated as Field Officers Grade II and placed in the pay-scale of Rs. 1640-2925. The Board also resolved that Field Representatives/Sales Representatives should be placed in the same pay-scale as Assistant Sales Officers (Grade II).

2. Pursuant to this decision, the designation of Sales Representatives/Field Representatives was changed to that of Assistant Sales Officers Grade II and the designation of Field Assistants/Salesmen was changed to that of Field Officers Grade II. It has also been averred in the petition that prior to the re-designation of the posts in 1992, both the categories of employees i.e. Sales Representatives/Field Representatives (which the petitioners are) and Field Assistants/Salesmen were in the same pay-scale i.e. Rs. 1200-2130. It is on the basis of this parity

that existed between the two sets of posts that the petitioners claim that since the post of Field Assistants Grade II has now been upgraded as Field Officers, they also ought to be given the same treatment, both in terms of designation and pay. It is the specific case of the petitioners that there was never any disparity between these two sets of posts and by virtue of upgradation, the disparity has been introduced which needs to be rectified.

3. The respondents have filed their reply and stated that there cannot be any comparison between the two posts as both carry different eligibility conditions as also the nature of duties. It has been clarified that the posts of Sales Representatives/Field Representatives, which post the petitioners held, carry the following qualifications:-

Graduate with Diploma in Marketing from a recognised University or Institution and a candidate should have flair for selling.

4. On the other hand, the category of Field Assistants/Salesmen provide a different cadre with a separate set of qualification i.e. B.Sc. (Agriculture) in Second division. In addition to this, there is a post of Field Assistant (Preservation) and an incumbent eligible to occupy this post has to be a B.Sc. with Chemistry as one of the subjects. The duties assigned to the petitioners i.e. Field Representatives/Sales Representatives is that of ensuring better sales of the products manufactured by the Markfed whereas the other set of employees, namely, the Field Assistants are required to look after the agricultural products and maintain the health of stocks like wheat etc. In short, the submission raised by the respondents is that the nature of duties and the cadre to which the petitioners are borne on are totally distinct than the cadre with whom they want a parity.

5. Factually it has been admitted that the designation of Field Assistants/Salesmen were re-designated as Field Officers Grade II and placed in the pay band of Rs. 1640-2925 and simultaneously the designation of Field Representatives/Sales Representatives was also changed to that of Assistant Sales Officer Grade II and it was made clear that they cannot make any parity with any category or any post. Apart from this, it has been provided that designation of Assistant Sales Officer Grade II would have a different channel of promotion i.e. Assistant Sales Officer in the grade of Rs. 1800-3200 and then to Deputy Sales Officer in the scale of Rs. 2000-3500 and then to Sales Officer in the scale of Rs. 2200-4000.

6. It is, thus, evident that a separate cadre exists insofar as the petitioners are concerned with a separate set of eligibility conditions and duties/functions whereas the cadre with whom the petitioners seek parity in terms of designation and pay, are completely distinct and, therefore, merely because at one point of time, they were carrying same pay band, would not be a ground to accept the plea unless it is shown that these two posts were equated and the cadres were inter-changeable.

7. Finding no such material on record, I am of the view that the claim of the petitioners cannot be granted in the exercise of writ jurisdiction under Article 226 of the Constitution of India. However, it is entirely upto the respondents to consider the cases of the petitioners and to see if they can be granted any parity of pay-scales. The petition is, therefore, disposed of in above terms.