

(2010) 08 SHI CK 0098
In the High Court Of Himachal Pradesh
Case No : C.W.P. (T) No. 5434 of 2008

Joginder Singh

APPELLANT

Vs

H.P. State Electricity Board and Another

RESPONDENT

Date of Decision : 23-08-2010

Acts Referred:

Citation : (2010) 08 SHI CK 0098

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Deepak Gupta, J.—The petitioner by means of this petition has basically claimed for the grant of the following reliefs:

(a) That the respondents be directed to pay the applicant the arrears after placing him in the scale equivalent to Bull Dozers Operator, Dumper Operator, Shovel Operator, Meter Grader Operator, Engine Driver, Crane Drivers.

(b) To grant atleast two promotions to the applicant.

2. The main ground raised by the petitioner was that he was appointed as Fitter (Special) and the scale of pay payable to the persons holding such post was equal to the scale of pay payable to the Bull Dozers Operator, Dumper Operator, Shovel Operator, etc.

3. The respondents have denied the fact that the petitioner was appointed as Fitter (Special) though it is admitted that initially on work charge basis the petitioner was appointed as Fitter (Special) vide order dated 18.9.1981 but the order of regularization of the petitioner Annexure RA-2 clearly shows that the petitioner was given regular appointment as Fitter in the scale of Rs. 400-660. This order was passed on 2.11.1983 and the petition was filed in 1998 and till the filing of the petition the petitioner had never challenged the regular appointment as Fitter. Therefore, at this stage, he cannot claim that he was

appointed as Fitter (Special). Even assuming that the petitioner was working as Fitter (Special) he is claiming equality of pay only on the ground that at one stage of time the pay scale payable to Fitter (Special) was the same as that payable to Bull Dozers Operator, Dumper Operator, Shovel Operator, etc. This argument cannot be accepted. Equal pay for equal work is payable only when a person shows that in the same or similar organization he is doing the similar work as the other persons are doing. The work of Fitter is totally different to that of an operator of Bull Dozer, Dumper or Shovel. Therefore, also no case is made out for grant of any relief. The petition is accordingly dismissed. No order as to costs.