
(2000) 11 P&H CK 0029

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 15419 of 1998

Mohammed Tayyaib

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 13-11-2000

Acts Referred:

Constitution of India, 1950 — Article 14, 226

Citation : (2000) 11 P&H CK 0029

Hon'ble Judges : V.S. Aggarwal, J;J.S. Khehar, J

Bench : Division Bench

Advocate : Mr. R.K. Malik, for the Appellant; Mr. Narender Hooda, AAG, for the Respondent

Judgement

V.S. Aggarwal, J.—Mohammed Tayyaib is a Library Attendant in Government Polytechnic Uttawar, Distt. Faridabad. By virtue of the present writ petition, he seeks a mandamus directing the respondents to award him the scale of Rs. 950-1400.

2. The relevant facts asserted by the petitioner are that he was appointed as a Library Attendant on 16.6.1993. On 12.10.1993 he was given the charge of the Officer-in-charge of Library. Since then he is performing the duties of the Officer-in-charge of the Library. His grievance is that two other Library Attendants who were working in Government Polytechnic for Women, Sirsa, had filed a civil writ petition in this Court seeking that they are entitled to the scale of Rs. 950-1400. Their writ petition was allowed. Thereafter, the petitioner also submitted a representation claiming the same scale. The prayer of the petitioner was rejected on the ground that this scale is only available to those who had filed the writ petition in the Court. The petitioner contends that those two petitioners who had filed the civil writ petition in this Court have been granted the scale of Rs. 950-1400 and, therefore, the petitioner cannot be discriminated.

3. In the written statement filed, the petition as such has been contested, it is denied that the petitioner was given the charge of the Officer-in-charge of the

Library. It is denied that the petitioner is entitled to the said scale. However, it is not disputed that the Principal, Government Polytechnic Uttawar, had sent a requisition for filling up the post of Library Attendant. The petitioner was selected against that post. He is entitled to the scale of Rs. 750-950.

4. During the course of arguments, learned counsel for the petitioner raised two arguments (a) that the petitioner cannot be discriminated because other persons who were similarly placed have been granted the scale of Rs. 950-1400; and (b) that there has to be equal pay for equal work.

5. In the peculiar facts, we deem it unnecessary to delve into the second controversy. This is so because two other similarly placed persons, namely Surinder Kumar and Kartar Singh, who were library attendants, had filed a Civil Writ Petition No. 2624 of 1996. It came up for consideration and this Court had passed the following order :

"Learned counsel for the petitioner relies on Annexure P-1 where State has granted approval for appointment of matriculate Lab. Attendants, in the pay scale of Rs. 950-1400. Both the petitioners are being given the pay scale of Rs. 800-1150. They have made their representations to the respondents but no decision has been taken.

In view of this, respondents are directed to release the pay scale to the petitioners on which they were appointed considering the petitioners matriculate and entitled to the pay scale as mentioned in Annexure P-1 as matriculate Lab Attendant. The arrears may be paid for three years and two months within six months. Writ Petition is disposed of."

In the face of the said order, the petitioner contends that those two persons who had filed the civil writ petition had been granted the scale of Rs. 950-1400. This averments has not been denied in the reply. Once similarly situated person i.e. Library Attendant had been given the scale of Rs. 950-1400, there is no occasion as to why the petitioner should be discriminated. As a model employer, it is expected that the State should be fair and treat equally the similarly placed persons and not discriminate amongst them. Article 14 of the Constitution of India comes to the rescue of the petitioner. Therefore, we have no hesitation in holding that the petitioner is also entitled to the same scale i.e. Rs. 950-1400.

6. Accordingly, the writ petition is allowed and it is directed that the petitioner shall be awarded the above-said scale but in no eventuality the arrears shall be given for more than three years and two months before the filing of the writ petition.

7. Petition allowed.