

(1986) 05 RAJ CK 0014

In the Rajasthan High Court

Case No : Civil Writ Petition No"s. 847 and 848 of 1986

Shanker Lal and Another

APPELLANT

Vs

Rajasthan Co-operative Dairy Federation Limited Unit and
Another

RESPONDENT

Date of Decision : 08-05-1986

Acts Referred:

Citation : (1986) WLN 188

Hon'ble Judges : Ashok Kumar Mathur, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ashok Kumar Mathur, J.—Both these writ petitions involve similar question of law therefore they are disposed of by one common order.

2. The petitioners were appointed on the post of Laboratory Assistant in the respondent Rajasthan Cooperative Dairy Federation in the scale of Rs. 490-840. The details of the duties of the post of Laboratory Assistant are given by the petitioner in his writ petition. On 20th August, 1982 it was directed that the regular testing of milk and milk products is not being carried out in accordance with the instructions given in the Instructions Book dated 4th August, 1982 due to lack of understanding among the Lab. Assistant APO. therefore, further instructions were given to all the shift, Lab. Assistants and they were directed to carry out the testing work as per the schedule in view of new instructions failing which action will be taken. The grievance of the petitioners is that they are being asked to discharge the duties of higher post and are being paid the salary of lower post. The petitioner submits that he is entitled to salary of the posts of Technical Assistants (now known as as QCO Gr. II) in the pay scale of 1000-1860. I am afraid this submission of the learned Counsel has no merit. The petitioners were recruited on the post of Lab. Assistant and some of duties of Lab. Assistants may be analogous to the duties of the post, T.A. By that he cannot claim the falary of the higher post without being recruited in accordance with

rules for the post. In the present case simply detailing the duty which has to be performed by Lab. Assistant, it will not follow that the petitioner is automatically entitled to higher pay scale without being regularly selected for the post of T.A. The learned Counsel for the petitioner has cited the cases of P. Savita and Others Vs. Union of India (UOI), Ministry of Defence (Department of Defence Production), New Delhi and Others, , Randhir Singh Vs. Union of India (UOI) and Others, and Smt. P. Grover v. State of Haryana 1983 (2) SLR 734. The ratio laid down in these cases is equal work, equal pay. But such is not the case. In order to get the pay scale of 1000-1860 one has to go through process of selection. It is not simple that some of the duties which are being discharged by the Lab. Asstt. are identical to that of T.A. that will entitle the petitioners the salary of T.A. without being regularly selected for the post.

3. Thus, in these circumstances I do not find any merit in both these writ petitions and they are dismissed. No order as to costs.