

**(1997) 09 P&H CK 0129**

**In the Punjab And Haryana At Chandigarh**

**Case No : Civil Writ Petition No. 13360 of 1996**

Shyam Sunder and Others

APPELLANT

Vs

Haryana State Electricity Board and Others

RESPONDENT

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**Date of Decision :** 22-09-1997

**Acts Referred:**

Constitution of India, 1950 — Article 226, 227

**Citation :** (1997) 117 PLR 735

**Hon'ble Judges :** N.K. Agrawal, J; Ashok Bhan, J

**Bench :** Division Bench

**Advocate :** Vikas Chatrath, for the Appellant; Rajan Gupta, for the Respondent

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## **Judgement**

N.K. Agrawal, J.—This is a petition by 8 persons who were working as linemen in the Haryana State Electricity Board (Board), under Articles 226 and 227 of the Constitution, seeking a direction to the Board to grant them revised pay scale of Rs. 480-760/- with effect from February 1, 1981 and Rs. 1200-2040/- with effect from January 1, 1986. The petitioners have claimed that revised pay scales were given to the employees of other categories from January 1, 1986 but to the petitioners from May 1, 1990. The petitioners were matriculates with 2 years "certificate from the I.T.I, or Polytechnic. They were selected and appointed in the year 1986 by the Board as Assistant Lineman. The pay scales of the Government employees in the State of Haryana were revised on the recommendation of the Pay Commission. The pay scales of the employees of the Board were also revised with effect from April 1, 1979. Later on, the pay scales of certain categories of Government employees of Haryana were revised with effect from February 1, 1981 on the recommendations of the Anomaly Committee. Employees working on technical posts in various department of the Government of Haryana, for which minimum qualification was Matric and 2 years" certificate from I.T.I., were given the revised pay scale of Rs. 480-760/- with effect from February 1, 1981 in place of Rs. 400-600/- granted from April 1, 1979.

2. The petitioners' case is that they belonged to the category of technical posts and were entitled to get the pay scale of Rs. 480/760/- with effect from February 1, 1981. The pay scales were again revised by the Board with effect from January 1, 1986. The earlier pay scale of Rs. 350-600/- was revised to Rs. 800-1150/- with effect from January 1, 1986. The revised scale was, however, substituted to Rs. 820-1300/- with effect from January 1, 1986. The petitioner's contention is that if their pay scale was fixed at Rs. 480-760/- on February 1, 1981, the revised pay scale with effect from January 1, 1986 should have been Rs. 1200-2040/-. The petitioners represented to the Anomaly Committee and their pay scale was revised to Rs. 825-1300/- with effect from January 1, 1986. They again represented to the competent authorities to give them the revised pay scale of Rs. 1200-2040/- from January 1, 1986. On the recommendation of the Anomaly Committee, the pay scale was revised to Rs. 1200-2040/- with effect from May 1, 1990.

3. The respondents have justified the revised scale of Rs. 1200-2040/- with effect from May 1, 1990 with the plea that the Anomaly Committee constituted by the Board on January 4, 1989 looked into all aspects of the matter and they took a policy decision to revise the pay scale from May 1, 1990 only. The petitioners, therefore, cannot be given the revised pay scale from January 1, 1986. So far as the revision claimed with effect from February 1, 1981 is concerned, it is explained that the petitioners entered the service of the Board in the year 1986 and, therefore, there is no question of giving any revised pay scale to them prior to their joining the service. Since the Anomaly Committee constituted by the Board recommended revision of the pay scale in respect of the petitioners category, the recommendations were accepted by the Board and the revised pay scale was granted to the petitioners with effect from May 1, 1990. It has been further explained by the respondents that the Board would have to bear huge expenditure, which the Board cannot afford, if the revised scales are allowed from January 1, 1986. The petitioners were actually recruited as Assistant Lineman in the year 1986 in the pay scale of Rs. 350-600/- and for that reason there was no question of giving them any benefit of the revised pay scale from February 1, 1981. They were allowed the revised pay scale of Rs. 830-1300/- with effect from January 1, 1986 and thereafter, on the recommendation of the Anomaly Committee, they were allowed the pay scale of Rs. 1200-2040/- with effect from May 1, 1990.

4. The precise question which arises in the present petition relates to the pay scale of the similar category of employees. It is manifest that the old pay scale pertaining to the technical posts was Rs. 120-150/- and Rs. K0-150/-. These scales were meant for those employees of the various categories of the State Government for whom minimum education qualification was matriculate with 2 years' I.T.I. certificate. These scales were revised with effect from April 1, 1979 to Rs. 400-600/- and Rs. 420-700/-. Their scales were further revised with effect from February 1, 1981 to Rs. 480-750/-. Since the petitioners had not entered the service of the Board in the year 1981, there is no need to examine their

claim for revising their pay scale with effect from February 1, 1981. The old pay scale is, however, relevant to look into the plea of parity as on January 1, 1986. The Anomaly Committee did accept the plea of the petitioners on their representation for revising the pay scale but effect of the revision was given from May 1, 1990 and not January 1, 1986, as claimed. No reasons are said to have been given by the Anomaly Committee for giving the revised pay scale from a different date.

5. Once the claim of pay parity has been granted to the petitioners, there is no reason to assign different date for its effect. The revised pay scale should be given from the same date as in the case of other categories of employees. The petitioners' contention is that the revised pay scale given from May 1, 1990 instead of January 1, 1986 is the result of discretion and arbitrariness.

6. Some Junior Drafts-men filed a Writ Petition (No. 592 of 1988 titled as "Sat Pat Singh and Ors. v. Haryana State Electricity Board" and the High Court in that petition gave a direction on June 7, 1991 to give the pay scale of Rs. 1200-2040/- to the petitioners therein from January 1, 1986.

7. Looking to the disparity in the pay scale, it is necessary to grant the revised pay scale to the petitioners with effect from January 1, 1986. There is no doubt that revised pay scale of Rs. 1200-2040/- has been granted to them. The grant of the revised scale is, therefore, no more under dispute. The Only question is as to from -which date the revised scale should have been granted. In the absence of any specific reason, except that of the financial burden on the Board, the petitioners are held to be entitled to the revised pay scale of Rs. 1200-2040/- with effect from the date of their joining the service of the Board. Since none of the petitioners was in service as on January 1, 1986, the revised pay scale of Rs. 1200-2040/- is to be allowed to them from the date they entered the service of the Board. Respondents are directed to carry out this direction within three months from the date of passing of this order.

8. No order as to costs.