
(2012) 03 P&H CK 0063
In the Punjab And Haryana At Chandigarh
Case No : L.P.A. No. 197 of 2012 (O and M)

Thaker Singh

APPELLANT

Vs

Punjab State Electricity Board, Patiala and another

RESPONDENT

Date of Decision : 14-03-2012

Acts Referred:

Citation : (2012) 03 P&H CK 0063

Hon'ble Judges : Tej Pratap Singh Mann, J; Satish Kumar Mittal, J

Bench : Division Bench

Judgement

Satish Kumar Mittal, J.—This Letters Patent Appeal has been directed against the order dated September 23, 2011, passed by the learned Single Judge, whereby the writ petition (Civil Writ Petition No. 1330 of 2003) filed by appellant Thaker Singh has been dismissed. Though there is delay of 75 days in filing the appeal and the appellant has filed application (CM No. 478-LPA of 2012) for condoning the delay, yet we have heard learned counsel for the appellant on merits, and gone through the order, passed by the learned Single Judge.

2. The appellant was working as Librarian in Hydrel Design Organization, Chandigarh, a department of the Punjab State Electricity Board. On the direction of the Government, pay of the appellant was fixed by the respondents in the pay scale of Rs. 300-600 which was revised to Rs. 1640-2925. The appellant challenged the said order and prayed for grant of pay scale of Rs. 700-1600 and the revised pay scale of Rs. 2200-4000, as applicable to the College cadre Librarian, on the ground that he was performing the duties, similar/identical to the duties of the College cadre Librarian, therefore, on parity, he be granted the same pay scale. The respondents had opposed the prayer of the appellant on the ground that the appellant or the other Librarians working in the respondent Board were not performing the same/identical functions, duties and responsibilities, as were being performed by the Librarians working in the Colleges. It was contended that the work load, nature of duties and quality of work of a Librarian working in the respondent Board could not be equated with

that of a Librarian working in the College. Therefore, they were not entitled to the pay scale equivalent to the College cadre Librarian. The learned Single Judge, while relying upon the decisions of the Hon"ble Supreme Court in *Kshetriya Kisan Gramin Bank Versus D.B. Sharma and others*, AIR 2001 Supreme Court 168, *State of West Bengal and Another Vs. West Bengal Minimum Wages Inspectors Association and Others*, and *S.C. Chandra and Others Vs. State of Jharkhand and Others*, dismissed the writ petition, while observing that it was not the duty of the Court to equate the posts for the purpose of grant of similar pay scale. This responsibility has to be left to the department or the expert body. Merely because earlier, at one stage, the subject post and the reference category posts were carrying the same scale of pay ipso facto did not mean that the same scale be granted to the subject post. It has been observed that it is function of the Pay Commission to identify the post, which deserves a higher pay scale than what was earlier being enjoyed with reference to their duties and responsibilities. It has been further held that the equality of pay scales depends upon comparative job and evaluation of various factors and this function is to be carried out by the expert body. In the impugned order, it has also been held by the learned Single Judge that the appellant has failed to establish that he was performing the same or identical duties and functions with same responsibilities, as are being performed by the Librarian of the College cadre.

3. After hearing learned counsel for the appellant, we do not find any merit in the present appeal. Learned counsel for the appellant has argued for the pay parity only on the basis that at one point of time, the posts of Librarian in the respondent Board and in the Colleges had been equated in the pay scale, though without establishing the fact that Librarian in the respondent Board and Librarians in the Colleges are/were performing the same/identical duties and functions with same responsibilities. Merely an assertion that the duties and responsibilities of the subject post and the reference category posts are the same, is not sufficient to grant same pay scale, until and unless it is so established on the basis of some material/ document. We do not find any such material/document on record. Therefore, the learned Single Judge has rightly come to the conclusion that the appellant has not been able to establish that he was performing the same/ identical duties, as were being performed by the Librarians of the Colleges cadre. Thus, in our opinion, the learned Single Judge has rightly rejected the claim of the appellant for pay parity with the pay scale of Librarians working in the College cadre. No merit. Dismissed.