

LPA-1026-2023 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-1026-2023 (O&M)
Date of decision: 17.02.2025

MALKIT SINGH AND OTHERS Appellant(s)
Versus
STATE OF PUNJAB AND ANOTHER Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Sunny Singla, Advocate and
Mr. Riti Aggarwal, Advocate
for appellants.

Mr. Rohit Ahuja, D.A.G., Punjab
for respondent no.1.

Mr. Anupam Singla, Advocate
for respondent no.2.

LISA GILL, J.

1. Prayer in this appeal is for setting aside orders dated 02.02.2023 and 10.04.2023, passed by learned Single Bench in CWP-16398-2022 and RA-CW-80-2023, respectively. Said writ petition and review application filed by present appellants-writ petitioners were dismissed.

2. Brief facts necessary for adjudication of this appeal are that appellants-writ petitioners, filed CWP-16398-2022 for setting aside order dated 28.01.2022, whereby their claim for re-fixation of their pay, pension, arrears alongwith interest @ 12% per annum was rejected. Appellants-writ petitioners, it is claimed were promoted to the posts of Chief Inspectors by the respondent-Corporation and they retired as such. They claimed to be entitled to revised pay-scales as applicable to the Station Supervisors on the basis of notification dated 21.12.2011 (Annexure P-5). Station Supervisors were granted grade pay of ₹3800

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w.e.f. 01.01.2006 and ₹4200 w.e.f. 01.12.2011 and that posts of Station Supervisor and Chief Inspector were placed in the same pay scale vide order dated 24.05.1991 (Annexure P-2). It is submitted that various representations were submitted by appellants, ultimately leading to filing of CWP-23439-2021, which was disposed of on 18.11.2021 with a direction to respondent-authorities to consider legal notice dated 12.07.2021 and decide the same by passing a speaking order. In compliance thereof, order dated 28.01.2022 was passed. Claim of appellants was found to be devoid of any merit on the ground that Government of Punjab, Department of Transport had passed order dated 24.05.1991 (Annexure P-2) for restructuring various posts of Punjab Roadways and that posts of Station Supervisor and Chief Inspector after being clubbed were placed in the same pay scale. However, notification dated 24.05.1991 had no applicability to appellants, who were working for the Pepsu Road Transport Corporation (for short PRTC) and not Punjab Roadways. Employees of Punjab Roadways and PRTC are governed by separate Rules and Regulations. PRTC, it is noted is a body corporate duly constituted under the Road Transport Act, 1950 and is governed by the PRTC (Conditions of Appointment and Service) Rules and Regulations 1981 (Amended 2010) [for short PRTC Regulations 1981].

3. As per said rules and regulations there are two different posts of Station Officers and Chief Inspector. Post of Chief Inspector forms the feeder cadre for Station Supervisor. Person having experience on the post of Chief Inspector for a period of 03 years is entitled to be considered for promotion to the post of Station Supervisor. These two posts were never clubbed in so far as PRTC was concerned. Therefore, appellants who had retired as Chief Inspectors, cannot be granted parity of pay scales with Station Supervisor which is a post higher in rank in PRTC. It was thus found that appellants were not entitled to any benefit as

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claimed in terms of notifications dated 24.05.1991 and 21.12.2011. Aggrieved therefrom CWP-16398-2022 was filed, which was dismissed by learned Single Bench vide impugned order dated 02.02.2023. Review petition filed by appellants was also dismissed by learned Single Judge on 10.04.2023, finding no error on the face of record which would call for review of the matter. Present appeal has been filed challenging decision dated 02.02.2023 passed in CWP-16398-2022 as well as order dated 10.04.2023 in Review Application No. 80 of 2023.

4. Learned counsel for appellants vehemently argues that in terms of recommendation of 5th Punjab Pay Commission, which has been duly accepted by respondent-Corporation, appellants are entitled to revised pay scales as admissible to Station Supervisors. Reference has been made to clause 5.73 of 5th Punjab Pay Commission. Learned counsel also refers to PRTC Regulations 1981, Clause IV(1A)(ii), to submit that Chief Inspectors and Station Supervisors are classified as Class III posts (Operation). Learned counsel for appellants further submits that prior to 21.12.2011, pay scales of Chief Inspector and Station Supervisor were same. Revision of pay for Station Supervisors was carried out on 21.12.2011 (Annexure P-5) but not for the Chief Inspectors. It is thus prayed that this appeal be allowed, impugned order dated 02.02.2023, passed by learned Single Bench be set aside and writ petition be allowed as prayed for.

5. Learned counsel for respondent-Corporation refuted the arguments while reiterating that posts of Chief Inspector and Station Supervisor at no point of time were clubbed or equated with each other as far as PRTC is concerned. Impugned orders have thus been correctly passed. It is, thus prayed that this appeal be dismissed.

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6. We have heard learned counsel for the parties and have gone through the file with their able assistance but find no ground whatsoever to interfere in this matter.

7. It is a matter of record that appellants-writ petitioners retired from the post of Chief Inspector on attaining the age of superannuation while serving respondent - PRTC. Reliance has been placed on notification dated 24.05.1991 (Annexure P-2), to contend that posts of Chief Inspector and Station Supervisor were clubbed. Reference was also made by learned counsel for appellants to PRTC Regulation, 1981, to submit that posts of both Chief Inspector and Station Supervisor are Class III posts (Operation). However, learned counsel for appellants is unable to deny that as per PRTC Regulation, 1981, post of Station Supervisor and Chief Inspector are two different posts. It is provided that a Chief Inspector having experience of three years and a matriculate is entitled for promotion to the post of Supervisor. For promotion to the post of Chief Inspector, experience on the post of Inspector for a period of three years is required.

8. Learned counsel for appellants is indeed unable to indicate applicability of order dated 24.05.1991 to respondent-Corporation. In this view of the matter, it has been correctly held by learned Single Bench that two different cadres cannot be held to be at par to allow the claim of equal pay scale. Reference by learned counsel for appellants to recommendation of 5th Punjab Pay Commission, Clause 5.73, is of no avail as it is the demand of employees of the Director, State Transport, which is recorded therein to the effect that *“Inspectors/Welfare Inspectors/Chief Inspectors and Station Supervisors Grade-I be given higher pay scale with the equivalent rank officers in other Departments as they too are performing similar duties.”*

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9. Recommendations of 5th Punjab Pay Commission do not come to the aid of appellants as argued by learned counsel for appellants. Factum of both the Chief Inspector and Station Supervisor being Class III posts by itself, does not indicate clubbing of said posts and that too in the wake of the post of Chief Inspector being a feeder cadre for that of Station Supervisor.
10. Learned counsel for appellants is unable to point out any illegality, infirmity or perversity in the impugned order dated 02.02.2023, passed by learned Single Bench, which calls for interference by this Court in this appeal.
11. No other argument has been addressed.
12. Accordingly, this appeal is dismissed with no order as to costs.

(LISA GILL)
JUDGE

(DEEPINDER SINGH NALWA)
JUDGE

17.02.2025

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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No