



CWP-1836 of 2000 (O&M) -1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP-1836 of 2000 (O&M)
Reserved on: 02.05.2025
Date of Decision:05.05.2025**

Baldev Raj, Head Draftsman

....Petitioner

vs.

Chandigarh Industrial and Tourism Development Corporation Limited

....Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Bikramjit Singh Patwalia, Advocate
Mr. Gaurav Jagota, Advocate, for the petitioner

Mr. Harsh Aggarwal, Advocate, for the respondent

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to grant him pay scale of Head Draftsman i.e. Rs. 2000-3500 as per Punjab pattern and adopted by it.
2. During the course of hearing, Mr. Bikramjit Singh Patwalia, Advocate submits that grievance of the petitioner would be redressed if he is granted pay scale of Rs. 1800-3200 as available to employees of Chandigarh Administration and adopted by Chandigarh Industrial and Tourism Development Corporation Limited (in short "respondent-CITCO") vide office order dated 24.11.1992.
3. The petitioner joined respondent as Draftsman. He was issued appointment letter dated 07.08.1989 wherein his pay scale was jotted down as Rs. 1200-30-1560-EB-40-2040. The UT Administration revised pay scale

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of Draftsman alongwith other employees. Old pay scale of Draftsman was Rs. 570-1080 which was revised to Rs. 1800-3200. The revised pay scales were not as such applicable to respondent-CITCO, however, respondent-CITCO vide order dated 24.11.1992 adopted pay scale of UT Administration. Office order dated 24.11.1992 is reproduced as below:-

“Since the corporation has been following the pay scales and the conditions of services in respect of its employees on the pattern being followed in the Union Territory of Chandigarh, it has now been decided that the conditions of services as are applicable to the employees of the Chandigarh Administration on Punjab Pattern may also be made applicable to the employees of the corporation w.e.f. 1.4.91 pending amendment in the respondent-CITCO Employees Service Rules, 1977 by the Board of Directors.

Accordingly the conditions of the services as applicable to the employees of the Chandigarh Administration as referred to above, are hereby made applicable to the employees of the Corporation w.e.f. 1.4.91, in anticipation of the approval of the Board of Directors.

Chandigarh

Dated the 9th Nov. 1992

Emdst. No. 28798

Sd/- Managing Director

dated 1.12.92”

4. Respondent-CITCO on the representation of employees noticed that there is pay anomaly and accordingly constituted a committee vide memo dated 16.07.1992. The respondent vide order dated 15.09.1995 revised pay scale of Draftsman from Rs. 510-940 to 1800-3200. The revision took place with effect from 15.09.1995.

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5. Mr. Patwalia submits that petitioner was appointed as Draftsman in 1989 and at that point of time he was not extended pay scale of Rs. 510-940 whereas he was extended pay scale of Rs. 1200-2040, thus, he was entitled to pay scale of Rs. 1800-3200 from the date respondent-CITCO adopted revised pay scales. A Co-ordinate Bench of this Court vide judgment dated 01.09.1989 passed in CWP No. 763 of 1997 has resolved controversy of an identically placed employee. The said employee was holding post of House Keeper and she was also granted higher pay scale by order by which petitioner was granted revised pay scale from 1995. The Court has ordered to grant her revised pay scale from the date respondent-CITCO adopted the revised pay scale of UT Administration.

6. Per contra, Mr. Harsh Aggarwal, Advocate submits that petitioner was actually holding post of Junior Draftsman, thus, was entitled to pay scale as available to Junior Draftsman of UT Administration. Respondent-CITCO in its organisational chart assigned designation of Draftsman which was equivalent to Junior Draftsman of UT Administration. The pre-revised pay scale of Draftsman was Rs. 510-800, thus, petitioner was entitled to revised pay scale as was available to Junior Draftsman. He further submits that initially the petitioner was appointed as Draftsman with pay scale of Rs.1200-2040. The State of Punjab was having three posts, namely Head Draftsman, Draftsman and Tracer whereas respondent-CITCO was having two designations i.e. Draftsman and Head Draftsman. The respondent vide order dated 22.04.1992 decided to revise pay scale of different posts including Draftsman. The initial pay scale of Draftsman was Rs.1200-2040 which was revised to Rs.1350-2400. The revision took place



with effect from 01.01.1986. As petitioner was appointed in 1989, thus, his pay scale was revised. The respondent vide order dated 21.10.1992 brought him in the pay scale of Rs. 1350-1560 and his pay as on 01.08.1992 was re-fixed at Rs. 1440/-. He made representation to Managing Director seeking pay revision. The respondent constituted a pay anomaly committee which proposed to upgrade the nomenclature of posts. The respondent vide office order dated 15.09.1995 upgraded post of Draftsman and brought it in the pay scale of Rs. 1800-3200. Accordingly, petitioner's pay was revised and he was brought in the scale of Rs. 1800-3200 with effect from 15.09.1995 i.e. the date of upgradation of the post. The post of Draftsman in respondent-CITCO was equivalent to post of Tracer-Junior Draftsman. The said post was carrying pay scale of Rs. 510-940. The respondent consciously revised pay scale of Rs. 510-940 to Rs. 1350-2400. The petitioner cannot claim pay scale of Rs. 1800-3200 because said scale was available to Draftsman in the State of Punjab and petitioner was actually holding post of Tracer-Junior Draftsman. Draftsman in the State of Punjab was not at par with Draftsman of respondent-CITCO. As there were only two designations in respondent-CITCO i.e. Draftsman and Head Draftsman, thus, their designation in respondent-CITCO was required to be determined on the basis of pay scale. In the State of Punjab Draftsman was getting pay scale of Rs. 570-1080 whereas in respondent-CITCO Draftsman was granted pay scale of Rs. 510-940.

7. I have heard learned counsel for the parties and perused the record with their able assistance.



8. From the perusal of record and arguments of both sides, it is evident that petitioner joined respondent-CITCO as Draftsman. He was issued appointment letter dated 07.08.1989 wherein his pay scale was notified as Rs.1200-30-1560-EB-40-2040 plus usual allowances as were admissible to the employees of respondent-CITCO. The respondent-CITCO has adopted pay pattern of UT Administration and following the same. From Notification dated 03.01.1992 of UT Administration, it appears that as on 31.12.1985, there were three posts in the cadre of Draftsman with UT Administration i.e. Head Draftsman, Draftsman and Tracer. Pay scales of Tracer, Draftsman and Head Draftsman were Rs. 510-800, 570-1080 and 700-1200 respectively. The UT Administration vide aforesaid Notification decided to adopt pay pattern of the State of Punjab and accordingly revised pay scale of its employees. Post of Tracer was re-designated as Junior Draftsman and it was declared as feeder post of Draftsman. The petitioner was appointed in 1989 and at that point of time UT pattern was followed by respondent-CITCO. The Head Draftsman was getting pay scale of Rs. 700-1200 and petitioner was appointed in the pay scale of Rs. 1200-2040. It appears that consciously or unconsciously higher pay scale was extended to the petitioner. The UT Administration adopted Punjab Pattern vide Notification dated 03.01.1992 and respondent-CITCO vide order dated 22.04.1992 revised pay scale of Draftsman from Rs. 510-940 to Rs. 1350-2400. This order of respondent-CITCO makes it clear that original pay scale of Draftsman was Rs. 510-940. Respondent-CITCO pursuant to order dated 22.04.1992 revised pay of the petitioner vide office order dated 21.10.1992. The petitioner was brought in the pay scale of Rs. 1350-2400 and

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accordingly his pay was re-fixed. Respondent-CITCO vide office order dated 24.11.1992 adopted Punjab pay pattern. It means prior to Notification of November'1992, pay scale of petitioner was as per pay scale of UT Administration. The petitioner, no doubt, in his request dated 15.10.1992 claimed that prior to 01.01.1986 pay scale for the post of Draftsman was Rs. 570-1080 which was later on revised to Rs.1200-2040 on Central pattern. The respondent in its office order dated 24.11.1992 made it clear that respondent-CITCO is following pay pattern as followed by UT Administration. From the appointment letter of the petitioner, Notification dated 03.01.1992 of UT Administration and letter dated 15.10.1992, it can be culled out that respondent-CITCO was following pay pattern of UT Administration, however, petitioner was appointed on the pay scale available to employees of Central Government. The respondent-CITCO while adopting Punjab pay pattern as adopted by UT Administration in its office order dated 24.11.1992 has made it clear that it was following pay pattern of UT Administration. As UT Administration adopted Punjab pay pattern, thus, respondent-CITCO adopted Punjab pay pattern.

No employee can claim that he should be extended a particular pay scale. It is discretion of the Government to determine pay scale. If there is discrimination between similarly situated employees, an employee getting lower pay scale may raise grievance, however, he cannot claim that he should be given higher pay scale or pay scale should be fixed in a particular manner. Respondent-CITCO revised pay scale of petitioner vide order dated 22.04.1992 and in the said order, it was made clear that existing pay scale of petitioner/Draftsman was Rs. 510-940. It was revised to Rs. 1350-2400. The



revised pay scale was more than the pay scale on which he was appointed. He despite revision of his pay scale started raising issue of pay anomaly. Respondent-CITCO constituted a Committee to examine claim of its employees who were claiming that on account of revision of pay scales anomaly has erupted. Committee considered representation of all the employees and proposed pay scale as per Punjab pattern. Pay scale of many employees was revised by office order dated 15.09.1995. Respondent-CITCO considered case of petitioner and decided to upgrade post of Draftsman. As the post was upgraded, higher pay scale was extended. In this order, it was noted that original pay scale of Draftsman is Rs. 510-940. The upgraded post of Draftsman is Head Draftsman. As per Punjab pattern, Head Draftsman was entitled to pay scale of Rs. 2000-3500 whereas Draftsman was entitled to pay scale of Rs. 1800-3200. By office order dated 15.09.1995, post of Draftsman was upgraded and pay scale of Rs. 1800-3200 was extended. As per Punjab pattern, said scale is available to Draftsman. It shows that there is substance in the contention of respondent that UT Administration and Punjab Government are having three posts in the cadre of Draftsman whereas there are two posts with CITCO. Pay scale of Rs. 510-940 is available to Junior Draftsman of UT Administration and Punjab Government. It is hereby apt to notice that actually pay scale of Junior Draftsman of UT Administration is Rs. 510-800. The petitioner was not extended pay scale of Head Draftsman despite upgrading post of Draftsman which makes it clear that respondent considered Junior Draftsman equivalent to Draftsman and Draftsman equivalent to Head Draftsman.



9. The petitioner is relying upon judgment of this Court in the case of **Mrs. Suveena Chaudhary vs. Candigarh Industrial and Tourism Development Corporation Limited. 1998 SCC OnLine P&H 1927.** The facts of said case are entirely different from the present case. In the said case, pay anomaly was accepted, however, higher scale was allowed from the date of Notification. In the case of petitioner, respondent-CITCO upgraded the post and extended pay scale which was available as per Punjab pay pattern. Prior to 1995, Junior Draftsman was entitled to revised pay scale of Rs.1200-2100 and Draftsman was entitled to pay scale of Rs. 1800-3200. This was as per Punjab pay pattern. Respondent-CITCO always considered its Draftsman at par with Junior Draftsman of UT Administration and Punjab Government. The Head Draftsman was equal to Draftsman of UT Administration/Punjab Government. The respondent-CITCO by office order of 1995 declared the petitioner as Head Draftsman which was equivalent to Draftsman of Punjab Government and accordingly pay scale of Rs. 1800-3200 was extended.

10. In the wake of above discussion and findings, this Court is of the considered opinion that there is no infirmity in the impugned order warranting interference.

11. Dismissed.

12. Pending Misc. application(s), if any, shall stand disposed of.

05.05.2025
paramjit

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	