



CWP-19577-1998 (O&M)

-1-

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

102

CWP-19577-1998 (O&M)

Date of Decision: 06.05.2025

Suraj Parkash Sharma

...Petitioner

Versus

Haryana State Minor Irrigation (Tube-Wells) Corporation and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Raman B. Garg, Advocate and
Mr. Mayank Garg, Advocate for the petitioner
Mr. Gaurav Jindal, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 24.06.1998 and subsequent orders whereby his pay scale was reduced from ₹120-252 to ₹100-160.

2. The petitioner joined respondent on 03.01.1975 as Electrician (Adhoc). He was appointed as regular Electrician w.e.f. 22.05.1975. At the time of his appointment, he was extended pay scale of ₹70-95. The said scale was increased to ₹100-160 w.e.f. 12.04.1977. The respondent further granted him pay scale of ₹120-250 from 01.04.1978. The said by impugned order scale was withdrawn and he was reverted to previous scale i.e. ₹100-160.



3. Mr. Gaurav Jindal, Advocate supporting the order of reversion submits that Superintending Engineer had no authority to determine pay scale of officials. It was unilateral act of Superintending Engineer whereby he fixed ₹120-250 pay scale of Electrician. The said scale was never approved by the Government, thus, respondent was not bound by decision of the Superintending Engineer. The said scale was not even approved by Board of Directors which is the competent authority.

This matter was also listed yesterday i.e. 05.05.2025 and Mr. Gaurav Jindal, Advocate made a statement that petitioner was not holding post of Electrician Grade-I whereas he was holding post of Electrician Grade-II, thus, he was entitled to pay scale of Electrician Grade-II.

4. On being confronted with letter dated 06.06.1980 wherein 55 pay scales are jotted down, Mr. Jindal taking somersault submits that the petitioner was holding post of Electrician. He was neither holding post of Electrician Grade-I nor Electrician Grade-II. As per said communication, Junior Electrician is entitled to pay scale of ₹100-160.

5. *Per contra*, Mr. Raman B. Garg, Advocate submits that Board of Directors in its 47th Meeting held on 06.07.1979 considered the matter. The management decided to constitute a Committee to remove anomalies. A complete list of revised pay scale along with categories was prepared. In the list, clear cut pay scales were notified for different categories of posts. It was also noticed that Superintending Engineers use their discretion very judiciously in giving scale to any employee. They have to keep in view nature of job, qualification, experience and length of service. The Superintending Engineer in its communication dated 23.03.1981 read with



corrigendum clarified that Electricians who are ITI qualified and have joined prior to April' 1978 are entitled to pay scale of ₹120-250. The Electricians who have joined after 01.04.1978 are entitled to pay scale of ₹100-160 if they are not ITI qualified.

6. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

7. From the perusal of office memo dated 30.10.1980 issued by Executive Engineer for Managing Director to all Superintendent Engineers, it is evident that matter of pay anomaly was discussed in 47th Meeting of the Board of Directors. A Committee was constituted to consider pay scale of all the employees. Office letter dated 06.06.1980 discloses that 55 posts were identified and their pay scales were jotted down. In the cadre of Electrician, three posts were identified i.e. Electrician Grade-I, Electrician Grade-II and Junior Electrician. The Electrician Grade-I was extended pay scale of ₹170-300, Electrician Grade-II was extended pay scale of ₹120-250 and Junior Electrician was extended pay scale of a ₹100-160. As per communication dated 30.10.1980, it is evident that Managing Director had noticed that Superintending Engineers use their discretion very judiciously while extending scale to the employees. They keep in mind nature of job, qualification, experience, length of service etc. This letter makes it clear that it is Superintending Engineer who has to decide pay scale. He cannot change the pay scale, however, he has to decide which employee would be entitled to which particular pay scale.

8. In the cadre of Electrician, there were three posts i.e. Electrician Grade-I, Electrician Grade-II and Junior Electrician. The respondent, during



CWP-19577-1998 (O&M)

-4-

the course of hearing, is claiming that petitioner was holding post of Electrician. He was entitled to pay scale of ₹100-160. There is no post of Electrician as per notified pay scales whereas it is either Junior Electrician or Electrician Grade-I or Grade-II. If the petitioner is considered Electrician still he cannot be considered Junior Electrician. The Superintending Engineer to remove the confusion with respect to classification of Electricians vide communication dated 23.03.1981 read with corrigendum made it clear that Electricians having ITI qualification and appointed before 01.04.1978 would be entitled to pay scale of ₹120-250. He has not extended pay scale of ₹170-300 to Electricians whereas he decided to extend pay scale available to Electrician Grade-II. The said letter was never withdrawn.

9. In the wake of above discussion and findings, this Court is of the considered opinion that petitioner was rightly extended pay scale of ₹120-250 and the said benefit was wrongly withdrawn by the respondent. Accordingly, petition is hereby allowed. The petitioner would be entitled to consequential benefits.

10. It is hereby made clear that arrears, if any, shall not carry interest, if paid within three months from today, failing which interest @ 9% per annum would be payable.

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

(JAGMOHAN BANSAL)
JUDGE

06.05.2025

Mohit Kumar

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