

**Himachal Pradesh  
Public Works Department**

**OFFICE ORDER**

**Whereas** 12 number of petitioners namely 1. Shri Sunil Kumar S/O Shri Rajinder Parshad, Village & P.O, Sansal, Tehsil Baijnath, District Kangra (HP) presently working as Surveyor in HP,PWD, Division Baijnath Distt Kangra, 2. Sh. Bihari Lal S/o Late Sh. Makoru Ram resident of village kachhreha & P.O Mumta Tehsil Nagrota Bagwan District Kangra presently working as Junior Engineer HP,PWD, HP,PWD, Division Palampur Distt Kangra 3. Sh. Narender Singh S/o Sh. Sher Singh resident of village & P.O Balkylora Tehsil Baroh District Kangra, presently working as Junior Engineers HP,PWD, Division Kangra 4. Sh. Ajay Kumar Khatta S/o Sh. Mehar Chand presently working as Junior Engineers HP,PWD, Division Killar Circle Pangi HP , 5. Sh. Onkar Singh S/o Sh Jaishi Ram, presently working Junior Engineers HP,PWD, Division Kangra District Kangra HP 6. Sh. Rajinder Kumar S/o Sh. Gorkhu Ram resident of village & P.O Saddubaragra Tehsil Baba Baroh District Kangra, presently working as Surveyor in HP,PWD Division office Palampur District Kangra 7. Sh. Vijay Kumar S/o Late Sh. Bhiari Lal resident of Village & P.O Baldhav Tehsil Nagrota Bagwan District Kangra, presently working as Junior Engineers HP,PWD, Sub Division Palampur Division Palampur 8. Sh. Santosh Kumar S/o Sh. Dhani Ram, presently working as Junior Engineers in HP,PWD, Kangra 9. Sh. Ajit Singh S/o Sh. Duni Chand, presently working as Junior Engineer in HP,PWD, Division Jawali District Kangra HP 10. Sh. Anil Kumar Dhiman S/o Sh. Tarlok Chand presently working as Surveyor in HP,PWD, Division Palampur District Kangra HP 11. Sh. Kuldeep Chand S/o Sh. Diwan Chand presently working as Surveyor in HP,PWD, Division Dharamshala District Kangra HP and 12. Sh. Mohinder Singh S/o Sh. Rattan Chand, presently working as Junior Engineer in HP,PWD, Division office Palampur District Kangra, filed O.A. No. 2336 of 2016 titled as Sunil Kumar & Ors Versus State of HP before the Hon'ble HP Administrative Tribunal with a request to grant them higher pay scale of Rs. 1800-3200 on completion of 12 years service in the grade of Surveyors and which scale has been further revised on 01.01.1996 and 01.01.2006 on revision of pay scale



as has been given. This case has been listed before the Hon'ble Administrative Tribunal Shimla on 01.06.2016 when the same was finally disposed of with directions as under:-

4. The original application has been filed on the following substantive prayers vide para 7 (i) and (a) :-

7(i) That the present original application may kindly be allowed throughout with the cost and direction may kindly be issued to the respondents to pay the pay scale of Rs 1800-3200 to the applicants on completion of 12 years of service as Surveyor , which scale has been further revised on 01-01-1996 and 01-01-2006 on revision of pay scales as has been given to the other counterparts, i.e (Surveyors in Agriculture Department of Himachal Pradesh and Surveyors in State of Punjab), alongwith arrears and all other consequential benefits as given to similar situated persons:

(a) The respondents may further be directed to extend the benefits of revision of pay scale and to pay the arrears to the applicants in view of judgment dated 20.06.2000 of Hon'ble HP State Administrative Tribunal in OA No (D) No 1035 of 1995 titled as Hans Raj & others versus state of HP & Others (Annexure-A-2) which has been implemented vide letter No. IPH-Es-III- Revision of pay scale Vol-IX/2012-23-56-58 dated 10.06.2013.

5. The learned counsel for the applicants states at the very outset that the respective cases of the applicants are squarely covered under order dated June 20,2000, Annexure-A-2, passed by the erstwhile Himachal Pradesh Administrative Tribunal in OA -(D) No 1035/94, Sh . Hans Raj and others versus state of Himachal Pradesh and others, operative part whereof is as under, which stands implemented in I&PH Department, vide office order dated 10.06.2013, Annexure-A-5, but is yet to be implemented by the Public Works Department :-



**“On the basis of above discussion the present application is accepted to the extent that the respondents are directed to obtain the latest position of the scale of Surveyors of Irrigation Department in compliance to the order of the Hon’ble High Court of Punjab and Haryana, and to grant the same scale to the Surveyors in the department of Irrigation & Public Health and Public Works Department in Himachal Pradesh also, within a period of three months from today.”**

- 6. It is stated that for redressal of their claim , the applicants have submitted representation dated 22.06.2016, Annexure-A-6 to respondent No.2 , the Engineer-in-Chief, HP,PWD, which it said to be pending.**
- 7. The learned Additional Advocate General states that subject to verification of records. If it is found that the applicants are similarly situate as the applicants in the aforesaid order passed in OA (D) No.1035/94, their cases shall also be considered accordingly.**
- 8. In view of the above, the original application is disposed if in terms of the aforesaid order in OA-(D) No 1035/94, with a direction to the respondents / competent authority that subject to the above verification and on finding the applicants to the similarly situate as above, benefit of the said order shall also be extended to them alongwith consequential benefits , if any , as per law, without any discrimination, with three months from the date of production of certified copy of this order by the applicants, after affording an opportunity of being heard to them, through a duly authorized representative, if so desired**
- 9. The original application stands disposed of in the above terms.**

And whereas, the relied upon case of Hans Raj OA (D) No 1035/94 pertains to Jal Shakti Vibhag , HP. The workmen Hans Raj had claimed pay scale of Surveyor i.e Rs 1800-3200 on Punjab pay scale pattern after completion of 12 years of regular service. In fact from the perusal of notification/order of Punjab Government , Agriculture Department order No.



12/24/89-I-Kha-Ba-3/1656 Chandigarh dated 14.10.1993, it reveals that, the state of Punjab has provided following conditions while granting the senior pay scale of Rs 1800-3200 w.e.f. 01.09.1993 to the Surveyor of Soil, Water Conservation and Waste Land Development Department :-

“1. This pay scale will be granted from the date on which the employee will complete 12 years regular service as Surveyor.

2 The employees who have completed 12 years service prior to 01.09.1993, their pay will be fixed by giving them the above scale on notional basis from the date of their completing 12 years regular service or from the date of their option to the revised scale of Rs 1200-2100 whichever is later keeping in view their hardship. But the arrears of pay will be given from 01.09.1993” .

**And whereas,** the record which made available in this office, it has been found that all the petitioners in the present case were in continuous engagement as Surveyor w.e.f. year 1994 onward. However, the ibid notification/order of Punjab Government provide the Senior Scale of Rs 1800-3200 to only those Surveyors who were in continuous services as Surveyors as on 01.09.1993 date of notification ., Not only this, in the present case , most of the petitioners have also been promoted to the post of Junior Engineers. The brief detail w.r.t. appointment of these petitioners is relevant to mention here-in-below:-

S.No	Name of Petitioner	Date of appointment as Surveyor
1	Shri Sunil Kumar	01.01.2004
2	Sh. Bihari Lal	01.01.1994
3	Sh. Narender Singh	01.01.1994
4	Sh. Ajay Kumar Khatta	01.01.1994
5	Sh. Onkar Singh	01.01.1994
6	Sh. Rajinder Kumar	01.04.1998
7	Sh. Vijay Kumar	01.01.1997
8	Sh. Santosh Kumar	01.01.1997



9	Sh. Ajit Singh	01.01.1996
10	Sh. Anil Kumar Dhiman	01.01.2001
11	Sh. Kuldeep Chand	01.04.1998
12	Sh. Mohinder Singh	01.01.1996

In the relied upon case of Hans Raj pertaining to IPH Department the petitioner was engaged in the year 1978 and completed 12 years of continue service as on 14.10.1993, when the Pubjab Govt. issued the notification. Upon directions of the court, he was given the benefit alongwith 10 other person.

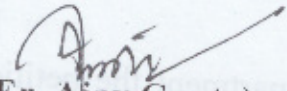
The petitioners in the present case were initially engaged in the department w.e.f. 1994 onwards. After the issue of notification dated 14.10.1993 , the Punjab Pay commission report came in the year 1996 and the pay scales of all the categories were revised. With the revision of pay scale in 1996 all the previous notifications merged with the revised pay scale. After 1996, the Punjab Govt. has given the revised pay scale of Rs 4020-6200 to the category of Surveyors w.e.f. 1996. The same scale of pay has been given to the category of Surveyors in the State of Himachal Pradesh. The anomaly in the pay scale came to an ended with the implementation of the revised pay scale . All the Surveyors are getting equal pay scale after 1996. The scales have been further revised in 2006 and recently in 2016. All the Surveyors are getting the equal pay scale w.e.f. 1996 without any desecration . It is not the case of petitioners that Hans Raj was granted higher scale after revision of pay scales in the year 1996. The said person was aggrieved prior to revision of pay scale in 1996. The enhanced scale which was given in 1993 merged with the pay scale revised in 1996 and petitioners have already been granting the benefits of that revised scale. Now giving the enhanced pay scale again over and above the revised pay scale will be in contravention of the recommendation of pay Commission implemented by the Govt. and will not be justified in any manner. The petitioner are not in parity with the service condition of Hans Raj as stated above as they did not complete 12 years service in 1993 . Moreover the pay scale stands already revised and petitioners are getting benefit of the same. The plea of the



petitioners is misconceived as the benefit which they are claiming had already been given by way of revised pay scale w.e.f. 01.01.1996.

Therefore, the representation of the petitioners is considered and the same being not acceptable is accordingly rejected.

May inform the parties.

  
(Er. Ajay Gupta)  
Engineer-in-Chief  
HP PWD, Shimla-2.

- 1 Shri Sunil Kumar , S/O Shri Rajinder Parshad, Village & P.O, Sansal, Baijnath, District Kangra (HP)
- 2 Sh. Bihari Lal S/o Late Sh. Makoru Ram resident of Village Kachhrehar & P.O Mumta Tehsil Nagrota Bagwan District Kangra.
- 3 Sh. Narender Singh S/o Sh. Sher Singh resident of village & P.O Balkylora Tehsil Baroh District Kangra.
- 4 Sh. Ajay Kumar Khatta S/o Sh. Mehar Chand presently working as Junior Engineers HP,PWD, Division Killar Circle Pangi HP
- 5 Sh. Onkar Singh S/o Sh Jaishi Ram, presently working Junior Engineers HP,PWD, Division Kangra District Kangra HP.
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- 7 Sh. Vijay Kumar S/o Late Sh. Bhiari Lal resident of Village & P.O Baldhav Tehsil Nagrota Bagwan District Kangra.
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- 10 Sh. Anil Kumar Dhiman S/o Sh. Tarlok Chand presently working as Surveyor in HP,PWD, Division Palampur District Kangra HP.
- 11 Sh. Kuldeep Chand S/o Sh. Diwan Chand presently working as Surveyor in HP,PWD, Division Dharamshala District Kangra HP.
12. Sh. Mohinder Singh S/o Sh. Rattan Chand, presently working as Junior Engineer in HP,PWD, Division office Palampur District Kangra

No.PWE-133-9 (Court Case)ES-III/2023-10359-458 Dated:- 1-3-24

Copy is forwarded to the following for information and necessary action to:

- 1 The Additional Chief Secretary(PW) to the Govt. of Himachal Pradesh
- 2 All the Chief Engineers in HP PWD.
- 3 All the Superintending Engineers in HP PWD (except Elect. & Mech.).
- 4 All the Executive Engineers in HP PWD (except Elect. & Mech.).
- 5 The Joint Director (P) in this office alongwith case file.
- 6 The Executive Engineer (IT) in this office.
- 7 Guard File.

(Er. Ajay Gupta)

Engineer-in-Chief

HP PWD, Shimla