

BRIEF

Subject: - **PERSONAL HEARING IN PURSUANCE OF ORDER DATED 01.10.2018 PASSED BY HON'BLE LAHORE HIGH COURT, LAHORE, IN W.P. NO.126013/2017.**

M/S Zulfiqar Ali & 9 others, Assistant Vernacular Clerk, Vernacular Clerks & Head Vernacular Clerks of Irrigation Department have filed the instant writ petition **No.126013/2017** praying that the instant writ petition may be accepted, thereby appropriate directions / orders be issued to the respondents to act strictly in accordance with law and up-grade the posts of the petitioners with effect from 30.07.2009 **instead of 20.04.2016** on analogy of up-gradation granted to Canal Patwari with effect from 30.07.2009 to mitigate anomaly, disparity and discrimination to the petitioners.

2. Writ petition came up for hearing before Mr. Justice Faisal Zaman Khan, Judge of Hon'ble Lahore High Court, Lahore on **01.10.2018** and disposed of as under: -

"2. This petition is disposed of with a direction to respondent No.2, who shall treat it as a part of pending applications, if pending and decide the same strictly in accordance with law, through a reasoned order, after hearing all the necessary parties, within a period of 03-months of the receipt of a certified copy of this order."

3. The claim of the petitioners is not maintainable due to the following reasons that: -

- i. The post of Assistant Vernacular Clerk was BS-5 with selection grade BS-7 @33% of the posts.
- ii. The post of Vernacular Clerk was up-graded from BS-6 to BS-7 with selection grade BS-9 @33% of the posts.
- iii. The post of Assessment Clerk was up-graded from BS-7 to BS-9 with selection grade BS-11 @33% of the posts.
- iv. The post of Head Vernacular Clerk was up-graded from BS-10 to BS-11 with selection grade BS-15 @33% of the posts.

4. The above mentioned posts were up-graded w.e.f. **01.04.1988 (Annex-A)**. Whereas, the post of Canal Patwari was up-graded from BS-5 to BS-7 w.e.f. **30.07.2009 (Annex-B)**. It means that the incumbents of the above mentioned posts had enjoyed up-gradation for earlier than Canal Patwari. However, the posts of the petitioners were again allowed up-gradation w.e.f. **20.04.2016** as under (**Annex-C**): -

Sr. No.	Name of the post	Existing Pay Scales	New/up-graded Pay Scales
1	Canal Patwari	BS-7	BS-7
2	Assistant Vernacular Clerk	BS-5+Increment	BS-8
3	Vernacular Clerk	BS-7	BS-9
4	Assessment Clerk	BS-9	BS-10
5	Head Vernacular Clerk	BS-11	BS-13

5. From the above, it is clear that the petitioners availed the benefits of up-gradation **twice**; whereas, the post of Canal Patwari was up-graded only one time. As such, the analogy drawn by the petitioners does not establish.

6. In view of the above, FS may like to regret the request of the petitioner being devoid of merit / policy.

NO. FD. PC. 3-1/87
GOVERNMENT OF THE PUNJAB
FINANCE DEPARTMENT

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Annex B

Dated Lahore, the 12th April, 1988.

From

Mr. Farooq Haroon,
Finance Secretary,
Government of the Punjab.

To

1. All Administrative Secretaries to Govt. of the Punjab.
2. The Secretary to Governor, Punjab, Lahore.
3. The Secretary to Chief Minister, Punjab, Lahore.
4. The Secretary Punjab Public Service Commission, Lahore.
5. The Secretary Punjab Provincial Assembly, Lahore.
6. All Heads of Attached Departments in the Punjab.
7. All Commissioners of Divisions in the Punjab.
8. All Deputy Commissioners and District & Session Judges in the Punjab.

Subject:- REVISION OF PAY SCALES AND FRINGE BENEFITS OF THE PUNJAB GOVERNMENT EMPLOYEES (1987).

Sir,

I am directed to refer to this department's letter No. FD. PC. 2-1/87, dated 27.7.87, on the subject noted above and to say that the Governor of Punjab has been pleased to grant selection grade to and upgrade the following posts, as detailed below w.e.f. 1-4-1988:-

Department	Name of post.	Existing scale.	Pay scale w.e.f. 1-4-1988.
Forest	Junior Auditor	B-7	B-9
All Engineering Departments (I&P C&W, H&P, etc)	Accounts Clerk	B-7	B-9 with selection grade B-11 @ 33% of the total posts.
Irrigation & Power.	Head Clerk/Head Vernacular Clerk	B-10/11	B-11 with selection grade B.15 @ 33% of the posts.
-do-	Assistant Vernacular Cler.	B-5	B-5 with selection grade B-7 @ 33% of the posts.
-do-	Vernacular Clerk	B-6	B-7 with selection grade B-9 @ 33% of the posts.
-do-	Assessment Clerk	B-7	B-9 with selection grade B-11 @ 33% of the posts.
HR. & EP Department	Junior Auditor	B-6	B-7 with selection Grade B.9 @ 33% of the posts.

Cont. ...

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-: 2 :-

HP & EP Department.	Sr. Auditor	B-8	B-9
-do-	Accountant cum Cashier	B-8	B-9
-do-	Assistant Housing Officer.	B-8	B-11
Labour Deptt:	Asstt: Storekeeper/ Hostel Supttd:/ Gestetner Operator-cum-Typist.	B-5	B-5 with selection grade B-7 @ 33% of the posts.
-do-	Storekeeper	B-6	B-7 with selection grade B-9 @ 33% of the posts.
-do-	Accountant	B-8	B-9 with selection grade B.11 @ 33% of the posts.

Your obedient servant,

(Signature)
 (MOHAMMAD AZAL)
 DEPUTY SECRETARY (PC)
 FOR FINANCE SECRETARY

NO. & DATE EVEN:

A copy is forwarded for information and necessary action to:-

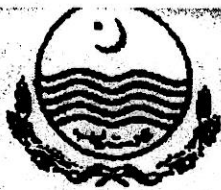
1. The Accountant General, Punjab, Lahore.
2. All District Accounts Officers in the Punjab.

(KHURSHID ALI ZAIDI)
 SECTION OFFICER (PC)

NO. & DATE EVEN:

A copy is forwarded for information to all Finance Secretaries of Provincial Governments and Azad Government of Jammu & Kashmir, Muzaffarabad.

(Signature)



GOVERNMENT OF THE PUNJAB
IRRIGATION & POWER DEPARTMENT
(SECTION ESTT-III)

Dated Lahore 30th July, 2009

NOTIFICATION

No. E-III (I&P) 6-21/2008. The Governor of Punjab has been pleased to approve the upgradation of the posts of "Canal Patwari" in the Irrigation and Power Department from BS-5 to BS-7 with immediate effect.

2. The incumbents of the upgraded posts will also stand upgraded and their pay will be fixed at the stage next above their basic pay in their lower pay scales.

3. Necessary amendments in the Punjab Irrigation and Power Department (Revenue Establishment Posts) Recruitment Rule 1989 amended upto date shall be made subsequently in consultation with Regulation Wing of S&GAD in accordance with laid down procedure.

(MAJ (RETD.) AZAM SULEMAN KHAN)
SECRETARY TO GOVERNMENT OF THE PUNJAB
IRRIGATION AND POWER DEPARTMENT

No. E-III (I&P) 6-21/2008

A copy is forwarded for information & necessary action to the:-

1. Accountant General Punjab, Lahore.
2. All the District Accounts Officer in Punjab.

SECTION OFFICER (PC)
GOVERNMENT OF THE PUNJAB
FINANCE DEPARTMENT

No. E-III (I&P) 6-21/2008

A copy is forwarded for information to the:-

1. Senior Minister/Minister for Irrigation and Power Department, Lahore.
2. Chief Secretary Punjab, Government of the Punjab, S&GAD.
3. Principal Secretary to Governor Punjab, Lahore.
4. Secretary to Chief Minister, Punjab, Lahore.
5. All Administrative Secretaries to Government of the Punjab.
6. Secretary, Government of the Punjab, I&P Department.
7. Superintendent, Government Printing Press, Punjab, Lahore for publication in the official gazette.
8. All District Coordination Officer in the Punjab.
9. All the Chief Engineers, Irrigation, in the Punjab.
10. All Additional Secretaries in I&P Department.
11. Director Land Reclamation Punjab, Lahore.
12. All the Deputy Collectors Irrigation in Punjab.
13. P.A to Deputy Secretary (General) I&P Department.

SECTION OFFICER (Estt-III)



GOVERNMENT OF THE PUNJAB
IRRIGATION DEPARTMENT

Dated Lahore, the 20th April, 2016

NOTIFICATION.

NO.S.O(E-III)6-21/2008: The Governor of Punjab has been pleased to approve the up-gradation of the following posts of Revenue Establishment in the Irrigation Department with immediate effect:-

Sr. No.	Name of the post	Existing pay Scales	New/up-graded Pay Scales
1	Canal Patwari	BS-7	BS-7
2	Assistant Vernacular Clerk	BS-5 + Increment	BS-8
3	Vernacular Clerk	BS-7	BS-9
4	Assessment Clerk	BS-9	BS-10
5	Head Vernacular Clerk	BS-11	BS-13

CAPT (R) SAIF ANJUM
SECRETARY TO GOVERNMENT OF THE PUNJAB,
IRRIGATION DEPARTMENT

NO.E-III)6-21/2008

A copy is forwarded for information & necessary action to the:-

1. Accountant General Punjab, Lahore.
2. All the District Accounts Officers in Punjab.

Shaukat 21/4/16
SECTION OFFICER (PC)
GOVERNMENT OF THE PUNJAB,
FINANCE DEPARTMENT.

NO.E-III)6-21/2008

A copy is forwarded for information & necessary action to the:-

1. Minister for Irrigation Department, Lahore.
2. Chief Secretary Punjab, Government of the Punjab, S&GA Department.
3. Principal Secretary to Governor Punjab, Lahore.
4. Secretary to Chief Minister, Punjab, Lahore.
5. All the Administrative Secretaries to Government of the Punjab.
6. Secretary, Government of the Punjab, Irrigation Department.
7. Superintendent, Government Printing Press, Punjab, Lahore for publication in the official gazette.
8. All the District Coordination Officers in the Punjab.
9. All the Chief Engineers Irrigation Zones, Punjab.
10. All the Additional Secretaries of Irrigation Department.
11. Director Land Reclamation Punjab, Lahore.
12. All the Deputy Collectors Irrigation in Punjab.
13. P.A to Deputy Secretary (General), Irrigation Department.

SECTION OFFICER (E-III)

FD-PC-40-178/2013 w/r to letter dated 20-04-2016.