

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 2381-2382 OF 2001

DR. MANWINDER SINGH & OTHERS

.....APPELLANTS

VERSUS

STATE OF PUNJAB & ANR.

.....RESPONDENTS

O R D E R

1. These appeals are directed against the impugned order dated

10.8.1999 passed by the Division Bench of the High Court of Punjab &

Haryana whereby the Division Bench remanded the matter back to the

State Government and directed it to consider the representation

dated 6.5.1999 of the appellants-petitioners and pass a detailed

speaking order.

2. The issue involved in the present case is that in view of the

decision dated 25.8.1998 of this Court in Civil Appeal No. 10549 of

1996 titled State of Punjab & another Vs. Dr. Dharam Paul & others

whereby this Court had dismissed the appeal filed by the State of

Punjab and directed that a parity in the scales of pay of Research

Officer and Assistant Research Officer with that of the Executive

Engineers and Assistant Executive Engineers respectively in the

Irrigation Department should be maintained. It was also directed that

in view of the recommendations made by the Administrative Department, other persons have been given the pay scales w.e.f. 1.1.1986 and from the same date, the pay scales should be given to

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persons occupying similar or identical positions. A review application against the impugned order dated 10.8.1999 was also dismissed by the Division Bench on 26.10.1999. Hence, the present appeal has been filed against both the orders dated 10.8.1999 and 26.10.1999.

3 In pursuance of the order passed by the Division Bench on 10.8.1999, the State Government has passed a detailed speaking order which is annexed as Annexure R-1 whereby the request of the appellants for grant of identical pay-scales from 1.1.986 was rejected and they were granted the pay-scales w.e.f 1.1.994. We could have remanded this case back to the High Court because the order dated 25.8.2000 is not a subject-matter before us but it will be a futile exercise because this Court in a identical situation, as mentioned above, has already taken a view that all the persons who were in the similar position, should be granted the pay-scales from 1.1.1986 and not from 1.1.1994.

4 In order to dispose of this appeal, it will be relevant to mention the brief facts of the case.

5 The appellants before us were working as Research Officers,

Assistant Research Officers, Research Assistants Grade-A & B in the research cadre, Irrigation Branch of the Government of Punjab. The Government of Punjab granted a higher pay-scales to some of the employees of Irrigation Department w.e.f. 1.1.1986 and denied the same pay-scales to the appellants. Thereafter, the appellants

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approached the High Court by filing a Writ Petition. The High Court, notwithstanding the fact that this Court in a identical situation had dismissed the appeal filed by the State of Punjab in Civil Appeal No. 10549 of 1996, still did not pass an order as a consequence of the order passed by this Court and remanded the matter to the Government to decide their representation (Annexure P-6). Now the State Government has already passed a speaking order dated 25.8.2000 and rejecting their request to grant the pay-scales from 1.1.1994 and not from 1.1.1986.

6 We have heard learned counsel for the parties and have perused the record.

7 Once, this Court has already taken a view that all these appellants will be entitled to a identical pay-scales as have been given to other employees of the Irrigation Department from 1.1.1986, why the appellants should be discriminated and be not given the pay-scales from 1.1.1986. This issue came before this court and this Court in no uncertain terms dismissed the appeal filed by the State of

Punjab and affirmed the order passed by the Punjab & Haryana High

Court. We do not see any reason why the similarly situated employees be discriminated in granting the pay-scales from 1.1.1986.

Therefore, we allow these appeals and direct that the same scales of pay be granted to the appellants in view of the order passed by this

Court on 25.8.1998 in Dr. Dharam Paul's case (supra). However, the

appellants shall be entitled to arrears for the last three years

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preceding the filing of this petition before this Court in the year 2001

but for all other purposes like pension etc. they will be entitled to

benefit from 1.1.1986. There shall be no order as to costs.

.....J.

.....

[ A.K. MATHUR ]

.....J.

.....

New Delhi

[ H.S. BEDI ]

MAY 10, 2007

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ITEM NO.113

COURT NO.8

SECTION IV

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2381-2382 OF 2001

DR.MANWINDER SINGH & ORS.

Appellant (s)

VERSUS

STATE OF PUNJAB & ANR.

Respondent(s)

(With office report )

Date: 10/05/2007 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE H.S. BEDI

For Appellant(s)

Mr. Vikrant Rana, Adv. for

M/S S.S. Rana & Co.,Adv.

For Respondent(s)

Mr. H.S. Munjral, Adv.

Mr. Ajay Pal, Adv.

Mr. Arun K. Sinha,Adv.

UPON hearing counsel the Court made the following

O R D E R

There Appeals are allowed in terms of signed order.

shall be no order as to costs.

(Pardeep Kumar)

(Radha R. Bhatia)

Court Master

Court Master

[ SIGNED ORDER IS PLACED ON THE FILE ]