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C.A.No. 5955 OF 1998
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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5955 OF 1998@@
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State of Punjab & Ors. .. Appellants

Vs.

Balbir Singh & Ors. .. Respondent

With
SLP(C) No. 1623/1999, C.A. No.4512/2000,

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C.A.No. 5955/1998@@
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The respondents were employees in the Punjab State Tubewell Corporation Limited and 27 posts of Ziladars were declared to be surplus and the respondents were sought to be absorbed in the Department of Irrigation subject to the following conditions;

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i) While absorbing these surplus employees, their inter-se seniority may be kept in view without any discrimination.

ii) With regard to seniority they may be treated as on fresh appointment.

iii) With regard to pay protection, it was under consideration of the State Government.

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So far as pay protection was concerned, no decision as such was taken by the Government. In fact there were certain earlier Writ proceedings in this regard and the Court directed them to decide this matter

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and when the same had not been decided, an interim direction was given when proceedings were pending before the High Court out of which this appeal arises. The Government at that stage took the decision that there are no Rules enabling them to protect the pay drawn by the respondents while they were working in the Corporation.

It is brought to our notice that many persons who have been absorbed are allowed to draw the same pay scale which they were drawing while they were working in the

Corporation. If that is so, such benefit should be extended to respondents also. The benefit they would derive will enable them to avail of increments to which they have become entitled while working in the Corporation. We do not think to take away such a benefit would be appropriate. We decline to interfere with the order made by the High Court. The appeal is dismissed accordingly.

SLP(C) No. 1623/1999@@
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The Special leave petition shall stand dismissed in the same terms as set forth in C.A.No. 5955 of 1998.

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C.A.No. 4512/2000@@
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We find absolutely no merit in this appeal and the same shall stand dismissed accordingly.

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[S. RAJENDRA BABU]@@
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[RUMA PAL]@@
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New Delhi,@@
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November 27, 2001.

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ITEM NO.117 COURT NO.6 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.5955/1998

State of Punjab & Ors. .. Appellants

Vs.

Balbir singh & Ors. .. Respondents

(With office report)

With

SLP(C) No.1623/1999(With office report), SLP(C) No. 2264/1999, C.A.No. 4512/2000(With office report)

DATE :27.11.2001 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU

