

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). 454 OF 2006

PREM LAL & ORS.

Appellant (s)

VERSUS

SECRETARY CUM COMMNR., GOVT.OF PUNJAB&ORS

Respondent(s)

(With appln(s) for modification of Court's Order dated 9.1.2006 and with office report )

WITH SLP(C) NO. 753-754 of 2005

(With appln.(s) for permission to submit additional documents and with prayer for interim relief and office report)

Civil Appeal NO. 944 of 2006

Civil Appeal NO. 945 of 2006

(With appln.(s) for deletion of the name of respondent and with office report)

Civil Appeal NO. 946 of 2006

Date: 14/12/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Appellant(s)

CA NO.454 OF 2006 Mrs. Mahalakshmi Pavani, Adv.  
Mr. G. Balaji, Adv.  
for M/S.Mahalakshmi Balaji & Co.

CA NOS.944, 945 AND Mr. J.L. Gupta, Sr.Adv.  
946 OF 2006 Mr. Naresh Kaushik, adv.  
Mr. Sanjeev K. Bhardwaj, Adv.  
Mrs Lalita Kaushik, Adv.

SLP(C)NOS.753-754 Mr. Yash Pal Dhingra, Adv. (NP)  
OF 2005

For Respondent(s)

Mr. Prashant Shukla, Adv.  
For Mr. Ajay Pal, Adv.

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UPON hearing counsel the Court made the following  
O R D E R

C.A.NOS. 944, 945 AND 946 OF 2006

These appeals are allowed in terms of the signed order.

C.A.NO.454 OF 2006 and S.L.P.(C)NOS.753-754 OF

2005

List these matters after the Christmas and New Year Holidays, 2010.

(Sukhbir Paul Kaur)  
Court Master

(Renuka Sadana)  
Court Master

(Signed Order in C.A.Nos. 944, 945 and 946 of 2006  
is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.944 OF 2006

THE AGRICULTURE SUB INSPECTORS OF SOIL AND  
WATER CONSERVATION WASTE LAND DEVELOPMENT  
UNION (PUNJAB) AND ORS. ETC.ETC.

Appellant(s)

Versus

STATE OF PUNJAB AND ORS. ETC. ETC.

Respondent(s)

W I T H

CIVIL APPEAL NO. 945 OF 2006

MOHINDER SINGH AND ORS.

Appellant(s)

Versus

STATE OF PUNJAB AND ORS.

Respondent(s)

CIVIL APPEAL NO.946 OF 2006

BALWANT SINGH AND ORS.

Appellant(s)

Versus

STATE OF PUNJAB AND ORS.

Respondent(s)

O R D E R

The Agriculture Sub Inspectors of Soil and  
Water Conservation and Waste Land Development Union is  
the appellant in Civil Appeal No.944 of 2006. In the  
other appeals, the Sub Inspectors of Soil and Water  
Conservation and Waste Land Development are the

appellants. The appellants filed Writ Petition in the Punjab and Haryana High Court with a prayer to issue writ of Mandamus or any other writ directing the respondents to release senior scale of Rs.1,800-Rs.3,200 for the Agriculture Sub Inspectors of Soil and Water Conservation and Waste Land Development Department after twelve years of service with effect from 1.9.1993 as given to Surveyors of the same Department vide Order dated 21st September, 1993. The claim of the appellants is that both the Agriculture Sub Inspectors and Surveyors belong to the same cadre and earlier they were getting the same scale of pay i.e. 1200-Rs.2100 but without any reason whatsoever and in an arbitrary manner, the respondents have ignored their legitimate claim for the grant of same scale of pay as has been granted to the Surveyors of the Department.

The learned Single Judge, after elaborate consideration in the matter, granted the relief as prayed and directed that the Agriculture Sub Inspectors be granted equal treatment by way of granting senior pay scales as has been granted to the Surveyors by the Government vide its Order dated 21st September, 1993. The learned Judge further directed that this exercise be completed within three months from the date of the order. However, before parting with the judgment the

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learned Judge observed that the order shall be subject to the decision in LPA No.162 of 1999.

The appellant challenged only that portion of the judgment whereunder the learned Judge directed implementation of the directions issued subject to the decision of the L.P.A. No.162 of 1999. The case of the appellants is that the subject matter that arises for consideration in L.P.A. No.162 of 1999 has nothing to

do with the claim made by them inasmuch as they were claiming parity only with the Surveyors working in the same Department while the subject matter in the L.P.A. No.162 of 1999 is where the appellants therein were claiming parity with the Surveyors in the Industries Department of Government of Punjab.

It so happened the L.P.A. Nos. 862 and 1467 of 2000 filed by the appellants herein were tagged for their hearing along with L.P.A. Nos. 1393 and 1394 of 2000 filed by the State as also L.P.A. No.906 of 1993 and connected matters preferred by the State in the matters where directions have been issued to treat the Surveyors in the Department at par with the Surveyors in the Industries Department.

By the impugned judgment, all the L.P.As. were disposed of by a common order without adverting to the specific claim of the appellants herein claiming parity with the Surveyors of their own Department.

The

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Division Bench did not consider the simple question as to whether the appellants herein are entitled for the benefit of the Order dated 21st September, 1993 whereunder senior pay scale of Rs.1,800-Rs.3,200 was granted to the Surveyors of the same Department on completion of twelve years of regular service.

In our considered opinion, the claim of the appellants ought to have been decided separately and limited only to the question as to whether they are entitled to claim parity in their own Department vide Order dated 21st September, 1993. It is precisely for that reason this Court, while directing limited notice, required the respondents to show cause as to why the matter should not be remanded to the High Court for deciding the appeals relating to the petitioners writ petition on merits.

For the aforesaid reasons, the impugned judgment rendered in L.P.A. Nos. 862, 1393, 1394 and 1467 of 2000 are accordingly, set aside. The matters are remanded for fresh consideration by the Division Bench on their own merits.

We reiterate that the only question that is required to be decided by the Division Bench is that as to whether the appellants are entitled for the benefit

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of the Order dated 21st September, 1993 and claim parity with the Surveyors of the same Department.

The appeals are accordingly, allowed without any order as to costs.

.....J.  
(B.SUDERSHAN REDDY)

.....J.  
(SURINDER SINGH NIJJAR)

New Delhi,  
December 14, 2010