

ITEM NO.101(PH) Court 9 (Video Conferencing) SECTION IV

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

Civil Appeal No(s). 7427/2011

PUNJAB STATE CO-OP MILK PROD.FED.LTD Appellant(s)

VERSUS

BALBIR KUMAR WALIA Respondent(s)

([PART-HEARD BY HON'BLE SANJAY KISHAN KAUL AND HON'BLE HEMANT
GUPTA ,JJ.])

WITH

C.A. No. 7429/2011 (IV)

C.A. No. 7430/2011 (IV)

C.A. No. 7431/2011 (IV)

C.A. No. 7432/2011 (IV)

C.A. No. 7433/2011 (IV)

C.A. No. 7434/2011 (IV)

C.A. No. 7435/2011 (IV)

Date : 13-04-2021 These appeals were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HEMANT GUPTA

For Appellant(s) Mr. P.S. Patwalia, Sr. Adv.
Mr. Ashok K. Mahajan, AOR

For Respondent(s) Mr. Ravi Kapur, Adv.
Mr. Raghav Kapur, Adv.
Mr. Yaduinder Lal, Adv.
Mr. Himinder Lal, AOR

Mr. A.P. Bhandari, Adv.
Mr. Tejas Patel, Adv.
Ms. Meera Kaura, Adv.
Mr. S. C. Patel, AOR

Mr. R.C. Kohli, AOR

Ms. Kaveeta Wadia, AOR

Mr. Ankit Goel, AOR

Mr. Karan Bharihoke, AOR
Mr. Siddhant Sharma, Adv.
Ms. Neha Sahai Bharihoke, Adv.

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

Taken on Board.

C.A. No. 7432/2011 & C.A No. 7434/2011

In the course of arguments, it is sought to be contended by learned counsels for the respondents that their writ petitions filed before the High Court were on a completely different ground, i.e., a plea of equal pay for equal work. In C.A. No. 7432/2011, the Assistant Grade II Officers sought parity with Assistant Grade I while In C.A. No. 7434/2011, the Milk Procurement Assistant Grade-I and Animal Husbandry Assistant with Area Officers. It is their case that the persons were being interchangeably posted performing the same function. Learned counsels submit that this factual aspect has not been dealt with in the judgment of the High Court as the matters were tagged on the principal question of the appellants being State within the meaning of Article 12 of the Constitution. However, the fact remains that all these matters were tagged, no separate distinction was pointed out and no appeal has been preferred by the respondents but only by the appellants arising from the findings on the issue of

Article 12 of the Constitution.

An endeavour was made to persuade us to remit the matters back to the High Court but, we see no purpose in the same, the original petitions having been filed in the year 1987. Thus we have heard learned counsels on the pleadings which are before us which include the plea of the respondents as raised in the petitions and the defence of the appellants as set out in the High Court. We have separately concluded hearing in these two matters.

Learned counsels for the parties have concluded their submissions, except the learned counsel for the respondents in C.A. No. 7429/11, C.A. No. 7431/2011 and C.A. No. 7433/2011. Mr. Ankit Goel appearing in these matters submits that in view of subsequent note suggesting that a different date will be given in the matter he has not been able to instruct the arguing counsel. This note has been sent mistakenly as we had fixed the matters today. Be that as it may, we consider appropriate in the interest of justice to grant such an opportunity to the counsel for the respondents in these three matters to conclude his submissions.

List on 15.04.2021 as part-heard.

(CHARANJEET KAUR)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)