

RSA-637-2016(O&M)

[1]

In the High Court of Punjab and Haryana at Chandigarh.

RSA-637-2016(O&M)
Date of Decision:10.02.2016

Punjab State Electricity Board, The Mall, Patiala and another

....Appellants

Versus

Jaswant Singh

...Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.K. Sharma, Advocate
for the respondent.

SABINA, J.

Respondent has filed this suit for declaration to the effect that he was entitled for the pay scale to the tune of ₹6750-11050/- with effect from 01.02.1994.

Case of the respondent, in brief, was that he had joined the services of the appellant-Board on 22.11.1966 as Assistant Lineman. After completion of 37 years of service respondent retired on 31.12.2003 as Junior Engineer. Although, respondent was not a diploma holder in Electrical but during his service tenure he was assigned the same duties as were assigned to the diploma holders. Hence, respondent was also entitled to the same pay scale as was granted to

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other similarly situated employees who were diploma holders in Electrical. It was further the case of the respondent that Tarsem Lal and Ajit Singh Aujla who were also not diploma holders were granted higher pay scale as was being admissible to diploma holders.

Appellants in their written statement averred that respondent was working on induction post of Assistant Lineman and his basic pay scale was ₹4300-7500/-. Employees who were diploma holders were working on the post of Junior Engineers and their pay scale was ₹6300-10700/-. Hence, respondent was not entitled to the pay scale claimed by him.

On the pleadings of the parties, following issues were framed by the trial Court:-

- “1. *Whether the plaintiff is entitled to declaration as prayed for? OPP*
2. *Whether the Plaintiff is entitled to mandatory injunction prayed for? OPP*
3. *Whether the suit is not maintainable in the present form? OPD*
4. *Whether the court has no jurisdiction to entertain the present suit? OPD*
- 5 *Relief.”*

Parties led their evidence in support of their respective pleas.

Trial Court vide judgment/decreed dated 15.11.2011

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decreed the suit of the respondent. The said judgment and decree were upheld in appeal filed by the appellants by the First Appellate Court vide judgment/decreed dated 10.07.2015. Hence, the present appeal by the appellants-defendants.

I have heard learned counsel for the appellants and have gone through the record available on the file carefully.

In the present case, admittedly, respondent was performing the same duties as were being performed by the employees/linemen who were diploma holders. It was further admitted case that Tarsem Lal and Ajit Singh Aujla who were not diploma holders were granted pay scale of ₹6750-11050/- as claimed by the respondent.

In the facts and circumstances of the present case, the Courts below after appreciating the evidence led by the parties on record have rightly held that respondent was also liable to be granted the same pay scale as was being paid to the employees who were performing the same duties as the respondent.

No substantial question of law arises in this appeal, warranting interference by this court is made out.

Dismissed.

February 10, 2016
kapil

(SABINA)
JUDGE