

CWP-22130-2013

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**216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-22130-2013
Date of Decision : 19.04.2017**

SURESH KUMAR & OTHERS

..... Petitioners

Versus

**HARYANA STATE FEDERATION OF COOPERATIVE SUGAR
MILLS & ORS**

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Y.P.Malik, Advocate
for the petitioners.

Mr. Deepak Balyan, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

By this petition the petitioners have challenged the action of the respondents in granting better benefits to similar employees only on the ground that the nomenclature of the post of the petitioners is Attendant while the other posts are described as Mates.

In the written statement, the plea taken was that the difference is justifiable as posts are different with different work. Along with the replication learned counsel for the petitioners has annexed Service Rules (Annexure P-15 and P-16) and has shown to the Court that both the posts in question have been described as equivalent posts as Mates/Attendant/Operator (semi-skilled) for different processes which are carried out in the Sugar Mill. Learned counsel for the petitioners states that

his fact coupled with the fact that pay scale of both the posts is identical clearly shows that there is no justification for granting different grade pay and different off season allowance.

Learned counsel for the respondents is not in a position to show how the posts are different and only argued that all these persons have different jobs.

In my opinion, this argument will not suffice. A trained graduate teacher may teach Hindi or Mathematics but there is no justification for having different benefits for different teachers. The perusal of the Rules shows that posts of Mates/Attendant/Operator are shown as equivalent posts. Admittedly they are both in the pay scale of 5200-20000-200 and earlier they were given identical benefits. In these circumstances, there is no justification for grant of different grade pay and different off season benefits to the petitioners.

Learned counsel for respondents has further argued that the differentiation was made as far as back as 2009 and petition was filed much later in year 2013 and consequently would be barred by delay and laches. In cases of recurrent loss the plea of delay and laches cannot be taken to be a perfect defence. Only relief can be moulded accordingly.

In the circumstances, the respondents are directed to equivilate the grade pay and the off season benefits with effect from the date 38 months prior to the filing of the petition and pay the arrears. In case arrears are not not paid within the period of 6 months from the date of receipt of certified copy of this order the petitioners would be entitled to claim the

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same @ 8% interest per annum on the amount/s from the date/s it falls due.

As regards the future payments the respondents are directed to ensure that payments of these benefits on monthly basis is done within a period of 3 months from the date of receipt of certified copy of this order.

Petition stands allowed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

19.04.2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No