

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

LPA No.2206 of 2017 (O&M)

Date of Decision : 20.11.2017

Malkiat Singh and others

....Appellants

Versus

The Chief Secretary to the Govt. of
Punjab and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present : Mr.Shashi Bhushan Nagpal, Advocate
for appellants.

MAHESH GROVER, J. (Oral)

CM-4851-LPA-2017

Marginal delay of 21 days in filing the appeal is condoned.

C.M.stands allowed.

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The appellants have filed this writ petition seeking parity in terms of pay scale with other categories of employees working under the State Government such as Photostat Machine Operator, Lift/Telephone/Tubewell Operator, Senior Technician and many other categories which have been set out by them. The appellants are serving as Senior Lab Attendants under the Punjab State Education Department.

The learned Single Judge noticed that at one point of time there was a parity of pay between certain set of employees mentioned in the petition but that would not mean that the appellants would

continue to be equated in terms of pay with those employees in the event of the other categories getting higher pay scale unless it is shown to the court that there is a co-relation between their work and similarity of functions or the existence of rules equating these posts.

Before us while arguing learned counsel for the appellants has candidly conceded that there are no rules or instructions equating these posts to render a co-relation between them. If that is so then merely because at one point of time the pay structure admissible to these set of employees was co-incidentally similar would be no cause to seek parity. Therefore, finding no error in the approach of the learned Single Judge, we decline interference in the Letters Patent Appeal but make it clear that the grievance of the appellants for higher pay structure can independently be looked into by the State considering the nature of duties performed by the appellants. We hasten to add here that this is not to comment on the legitimacy of the appellants' grievance. Since the appellants have made a representation to the State, they may look into it.

Appeal stands disposed of.

(MAHESH GROVER)
JUDGE

20.11.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No