

**CWP-1726-1996 (O&M)**

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

**CWP-1726-1996 (O&M)**  
**Date of Decision: May 09, 2019**

**Kuldip Singh and others**

**... Petitioners**

**vs.**

**Punjab Financial corporation**

**.. Respondent**

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Vivek Sharma, Advocate  
for the petitioners.

Mr. G.S.Bal, Sr. Advocate with  
Ms. Harmanpreet Kaur, Advocate  
for the respondent-Corporation.

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**ARUN MONGA, J.(ORAL)**

Petitioners (Legal Assistants), working in Punjab Financial Corporation, seek issuance of a writ in the nature of *mandamus* directing the respondents to grant rank, status and same pay scales as being given to Legal Assistants working in different departments of State of Punjab.

2. The facts in the present case are not in dispute. The only ground of non-grant of relief, as prayed herein, is that the Punjab Financial Corporation is an autonomous body and has got its own pay scales and having once accepted the salary structure of the Corporation at the time of appointment, the petitioners cannot seek parity with their counter parts working in other departments of State of Punjab.

3. I have heard learned counsel for the petitioners as also learned Sr. counsel for the respondent-Corporation and I am of the opinion that the stand taken by the Corporation does not stand judicial scrutiny and is not tenable.

**CWP-1726-1996 (O&M)**

4. It is conceded position of the Corporation, as reflected from circulars dated 11.12.1989 (Annexure P-1) and 28.03.1991 (Annexure P-2) respectively, that as and when there has been a revision in the pay scales by the Government of Punjab, the benefit of the same was given to the employees of the Corporation.

5. Furthermore, the Board of Directors of the Corporation in its meeting held on 28.01.1984, as reflected from Annexure P-4, had decided to grant benefit of the same pay scales to the Legal Assistants as were being granted by the Government of Punjab as on 01.08.1983 with effect from 28.01.1984. This document has been vehemently relied upon by the learned counsel for the petitioners. In the return, filed by the Corporation, the veracity of these documents is not controverted.

6. As regards the denial of pay scales to the petitioners on the ground that they were appointed in the year 1987 and the pay scales of State of Punjab were given only to those who were working as on 01.08.1984, the said stand is not tenable being discriminatory. Once the Corporation has adopted the pay scales, as being paid to the employees of different departments in State of Punjab, it is not open to it to discriminate amongst its employees on the ground of creating an artificial distinction of cut off date.

7. The rationale adopted by the Corporation in denying the benefits to the petitioners on the ground that they were appointed in the year 1987 does not stand judicial scrutiny being unreasonable and in violation of Article 14 of Constitution of India.

8. In the premise, the respondent-Corporation is directed to grant the benefit of pay parity to the petitioners as admissible to them,

**CWP-1726-1996 (O&M)**

from the time of their appointment, with the similarly situated Legal Assistants working with State of Punjab as well as their counter parts in the Corporation, who were appointed prior to 1987. It is made clear that pecuniary benefits (arrears), arising out of the relief granted to the petitioners, shall commence with effect from 38 months prior to filing of the writ petition. The petitioners shall, however, be entitled to interest @ 7 per annum with effect from the date of their entitlement until the actual date of payment.

9. Relief granted herein is confined to the petitioners alone as the relief sought herein by them is personal in nature and is only for those who approached this Court in time.

10. Let the needful be done within a period of three months from the date of receipt of certified copy of this order.

**May 09, 2019**  
smriti

**(ARUN MONGA)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No