

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

RSA-2944-2019 (O&M)

Date of decision: September 14,,2023

Joginder Singh and others

....Appellant s

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Balwinder Singh Sudan , Advocate
for the appellant.

Mr. Vikas Arora, AAG., Punjab.

ANIL KSHETARPAL, J (Oral)
CM-8035-C-2019

1. This is an application for placing on record the order dated 10.01.2019 (Annexure-A) and also for grant of exemption from filing the certified copy of the same.

2. The application is allowed as prayed for. The order dated 10.01.2019, is taken on record as Annexure-A.

CM-8040-C-2019

3. This an application filed under Section 151 CPC for condonation of delay of 362 days in refiling the appeal.

4. For the reasons stated in the application, application is allowed subject to all just exceptions. The delay of 362 days in refiling the appeal is condoned.

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5. The plaintiff Nos. 2, 3, 4 and 5 have filed the Second Appeal against the correctness of concurrent finding of fact arrived at by the Courts below.

6. The court below have dismissed the plaintiff's (appellant herein) suit for declaration with a consequential relief of mandatory injunction. The Courts have refused to direct the defendants to pay them the same pay scale, dearness allowance and other incentives at par with the government employees. The plaintiffs are the employees of Institute for Machines Tools Technology, Batala which is an autonomous body. The courts had held that the plaintiffs being employees of the autonomous body have no right to claim pay parity with the government employees.

7. Learned counsel representing the appellants while referring to Ex.PX submits that in the Research and Development Centre for Bicycle and Sewing Machine the pay scale and dearness allowance equivalent to the government employees is being granted. On a Court question, learned counsel representing the appellants submits that this aspect has never been put forth before the courts below. Moreover, in this case, the plaintiffs are the employees of the Institute for Machines Tools Technology, Batala. Ex.PX does not relate to the same institute.

8. Hence, no ground to interfere is made out.

9. The present appeal is dismissed accordingly.

(ANIL KSHETARPAL)
JUDGE

September 14, 2023
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Whether speaking/reasoned : Yes
Whether reportable : No