

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

Date of decision : 20th of January, 2023

CWP-27010-2015

Sukhdeep Kaur

.....Petitioner

Versus

The Sant Longowal Institute of Engineering and Technology Longowal and
another

.....Respondents

CWP-14905-2016 (O&M)

Sanjeev Kumar and others

.....Petitioners

Versus

The Sant Longowal Institute of Engineering and Technology Longowal and
another

.....Respondents

CWP-14920-2016

Jaspreet Kaur

.....Petitioners

Versus

The Sant Longowal Institute of Engineering and Technology Longowal and
another

.....Respondents

CWP-14950-2016

Davinder Singh and others

.....Petitioners

Versus

The Sant Longowal Institute of Engineering and Technology Longowal and
another

.....Respondents

CWP-14924-2016

Parshotam Singh and others

.....Petitioners

Versus

The Sant Longowal Institute of Engineering and Technology Longowal and
another

.....Respondents

CWP-14951-2016

Rajwant Singh and another

.....Petitioners

Versus

The Sant Longowal Institute of Engineering and Technology Longowal and
another

.....Respondents

**CWP-27010-2015 and
other connected cases**

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CWP-14952-2016

Narender Garg and others

.....Petitioners

Versus

The Sant Longowal Institute of Engineering and Technology Longowal and
anotherRespondents

CWP-16344-2016

Ashok Kumar and others

.....Petitioners

Versus

The Sant Longowal Institute of Engineering and Technology Longowal and
anotherRespondents

CWP-14976-2016 (O&M)

Ajaib Singh and others

.....Petitioners

Versus

The Sant Longowal Institute of Engineering and Technology Longowal and
anotherRespondents

CWP-23686-2015 (O&M)

Ramnik Kumar Aggarwal and another

.....Petitioners

Versus

The Sant Longowal Institute of Engineering and Technology Longowal and
anotherRespondents

CWP-10004-2019 (O&M)

Manoj Kumar Pandey and others

.....Petitioners

Versus

The Sant Longowal Institute of Engineering and Technology Longowal
.....Respondent

CWP-14906-2016 (O&M)

Kulvir Singh Sidhu and others

.....Petitioner

Versus

The Sant Longowal Institute of Engineering and Technology Longowal and
anotherRespondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. R.K. Malik, Senior Advocate assisted by

Mr. Digvijay Singh, Advocate
for the petitioner(s).

Mr. Gaurav Sharma, Advocate
for the petitioner(s) in CWP-10004-2019.

Mr. Chetan Mittal, Senior Advocate assisted by
Mr. Vivek Singla, Advocate and
Mr. Udit Garg, Advocate for the respondent No.2.

PANKAJ JAIN, J.

By this common judgment, I intend to dispose of afore-captioned 12 writ petitions.

2. For convenience, the facts are being taken from CWP No.27010 of 2015.

3. On 5th of September, 2017 the following order was passed :-

“Petitioner is a widow of Saroop Singh, who had served as a Technician with the Sant Longowal Institute of Engineering and Technology, Longowal and who expired in harness on 21.06.2014.

Husband of the petitioner had joined services as a Technician on 25.01.1994.

The claim set up in the instant petition is that the husband of the petitioner was entitled to the pay scale of ₹1800-3200 as was admissible to similarly placed Technicians and who were appointed prior to 01.09.1993.

The factual premise as regards Technicians appointed prior to 01.09.1993 having been granted the scale of ₹1800-3200 and all Technicians after 01.09.1993 having been granted a lower pay scale of ₹1400-2300 is not disputed.

Counsel representing the respondent-Institute would concede that identical claim raised by other Technicians appointed after 01.09.1993 came to be examined by this Court in CWP No.3737 of 1997 (*Vipan Kumar and others Vs. Sant Longowal Institute of Engineering and Technology*) and other connected writ petitions and such writ petitions were allowed by a Coordinate Bench in the light of the judgment dated 27.08.2013 (Annexure

P-1). The judgment stand affirmed even by the Letters Patent Bench in the light of judgment dated 10.03.2014 in LPA No.366 of 2014 and other connected LPAs.

On the last date of hearing i.e. 21.08.2017, the contention raised by Senior counsel that the claim raised in the instant petition being covered by the judgment in Vipin Kumar's case (supra) had been noticed and counsel representing the contesting respondent-Institute prayed for a week's time to complete instructions in such regard.

During the course of the hearing today, Mr. Pardeep Goyal, Advocate strangely seeks time to place on record the findings of an independent inquiry got conducted by the respondent-Institute and which as per him would be relevant to the issue at hand. Counsel submits that he has instructions from the officials of the respondent-Institute that in the light of the findings of the inquiry, the claim raised in the instant petition would not be admissible. He further submits that if time be granted, even the Registrar of the Institute would come present to clarify the issue.

Prima facie the stand now being sought to be taken on behalf of the respondent-Institute is utterly frivolous. It seems to be a time gaining ploy. Be that as it may, this Court would not want to discard an inquiry report without examining the same.

Accordingly, two weeks time is granted for placing on record the inquiry report. As has been urged by counsel representing the respondent-Institute, the Registrar of Sant Longowal Institute of Engineering and Technology, Longowal would remain present in Court on the adjourned date.

Post the matter on 20.09.2017. Such date has been given after counsel confirmed the availability of the Registrar on such date.

It is made clear that no further adjournments in the matter would be granted.

To be shown in the urgent list.

Mr. Pardeep Goyal, Advocate has also been put on notice that if the stand now being taken for the first time of opposing the claim of the petitioner on the strength of an inquiry report is found to be baseless, this Court would be inclined to impose exemplary

costs.”

4. Counsel for the respondents do not deny that the case in hand is squarely covered in terms of judgment passed by this Court in **CWP No.3737 of 1997** titled as **Vipan Kumar etc. vs. Sant Longowal Institute of Engineering and Technology**. It is also not disputed that the said judgment has attained finality up to Supreme Court. However, Counsel appearing for the respondent-Institute submits that husband of the petitioner being appointed on 25th of January, 1994 would be governed by Central Pay Scales.

5. Having heard counsel for the parties, I find that the same argument was raised in the case of **Vipan Kumar and others** (supra), wherein this Court held as under :

“On due consideration of the matter, I am of the view that the stand of the respondents is highly unjust. In the affidavit submitted, they have sought to justify the admissibility of the pay-scale of R.1400-2600 on the ground that the petitioners are not having the qualifications at par with the Technicians of the NIT. At the same time, they have sought options from the Technicians who were similarly situated. The persons with equal qualifications were permitted the change of pay-scale and were granted central scale. If that be so, then it is not understandable as to why the petitioners having similar qualifications and performing the same functions are being denied the pay-scale as admissible to similarly situated employees. It is not the case of the respondents that the functions performed by the petitioners are in any way variable from the ones being performed by the employees getting a distinct pay-scale than the petitioners. Thus there seems to be no justification in denying the claim of the petitioners.

That apart, the whole stand of the respondents is illogical. Firstly, they create a discrimination between the employees/

Technicians who were given employment prior to 1.9.1993 and those appointed subsequent to 1.9.1993. Subsequently, the situation was further worsened by the Government of India by initially saying that the pay-scales of the employees of the Institute are having different qualifications than the ones working in the NIT, but at the same time by giving options to them, they permitted them higher pay-scale without even any remote reference to the difference in qualifications which they now insist upon to deny the petitioners their claim.

It is evident that within the very same Institute, the respondents have carved out an artificial distinction for the employees having similar qualifications and performing the same functions on the question of admissibility of pay-scales which is clearly hit by Article 14 of the Constitution of India. Being discriminatory, such an action is therefore, unsustainable in the eyes of law.

Consequently, the impugned action of the respondents is declared to be unsustainable being not based on an intelligible differentia. The petitioners are held entitled to the pay-scales as admissible to the Technicians who had been appointed prior to 1993. The petitioners are thus held entitled to the pay-scales as was being made admissible to the employees of the Institute appointed prior to 1.9.1993 i.e. Rs.1400-2600.”

6. It is also not disputed that the said judgment has attained finality and stands implemented after having been affirmed till Apex Court.

7. In view of the above, I do not find any reason to deal with the petitioner(s) in the present case differently and to deny them relief what has been granted to co-employees in the case of **Vipan Kumar and others** (supra).

8. Resultantly, the present writ petitions are allowed being covered by the decision of this Court rendered in the matter of Vipan

Kumar (supra) in the same terms.

- 9. Ordered accordingly.
- 10. A copy of this order be kept on the files of other connected cases.

January 20, 2023
Dpr

(Pankaj Jain)
Judge

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