

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113)

LPA-980-2023 (O&M)

Decided on : 04.03.2024

Mangal Singh Kalsi

.....Appellant(s)

Versus

State of Punjab and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr. Ramesh Sharma, Advocate for the appellant (s).

Mr. Salil Sabhlok, Sr. DAG, Punjab.

G.S. Sandhawalia, Acting Chief Justice (Oral)

CM-2514-LPA-2023

Application for condonation of delay of 31 days in re-filing the present appeal, is allowed, in view of the averments made in the application, duly supported by affidavit of the counsel. Delay of 31 days in re-filing the appeal is condoned.

CM stands disposed of.

LPA-980-2023 (O&M)

Consideration in the present letters patent appeal is sought of the order of the learned Single Judge dated 24.02.2023 passed in CWP-9312-2005 filed by the appellant, whereby the request for grant of parity of pay had been rejected.

2. Vide the said order, the Learned Single Judge came to the conclusion that the benefit had already been granted w.e.f. 01.01.1986 and there was no conscious decision taken by the Government to equate the two posts for the purpose of pay parity and it was a highly complex matter and Courts are not experts and the Pay Commission or the Pay Anomaly Committee are constituted for deciding the issues related to payment of Government Employees. Resultantly, the writ petition was dismissed, while placing reliance upon the judgment of the Apex Court passed in **State of Bihar Vs. Bihar Secondary Teachers Struggle Committee, Minger and others, (2019) 18 SCC 301.**

3. The claim as such in the writ petition was for grant of pay scales equivalent/corresponding to Crafts Instructors in ITIs prior to 01.01.1986, while raising challenge to the order dated 16.03.2005 (Annexure P-9). A perusal of the said order would go on to show that the Special Secretary, Rural Development and Panchayat Department had noticed that the writ petitioner had been granted pay scale equivalent to the Craft Instructors w.e.f. 01.01.1986 and annual increments and proficiency step up increments were also granted and the matter is under consideration with the Finance Department. Claim as such was for the benefits prior to the cut-off-date and in such circumstances is not liable to be granted, keeping in view the fact that it is for the State to take a call and keeping in view the financial implications involved and a decision regarding equivalence.

4. In such circumstances, the view taken by the Learned Single Judge does not suffer from any infirmity, which would warrant interference in the present letters patent appeal. Resultantly, the present letters patent appeal is dismissed in limine.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

04.03.2024
Naveen

(LAPITA BANERJI)
JUDGE

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