



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

RSA-2054-2009 (O&M)  
Date of decision: 29.01.2025

CCS Haryana Agricultural University  
(CCS HAU) Hisar through its Registrar

....Appellant

Versus

Manjeet Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Shreenath A. Khemka, Advocate  
for the appellant-University.

Mr. Samrat Malik, Advocate  
for the respondent.

**HARPREET SINGH BRAR, J. (ORAL)**

1.                      The present regular second appeal has been filed for setting aside the judgments and decrees dated 21.01.2009 and 30.08.2006 passed by the learned Courts below.

2.                      Succinctly, the bone of contention is that the respondent/plaintiff was posted as Transport Officer by the appellant/defendant-University on 10.06.1991 and he was working there since the said date. It is further alleged that the nature of duties of Transport Officer in the University were same as of Transport Officers in other Departments in the State of Haryana. However, the University appointed the respondent/plaintiff for the post of Assistant Transport Officer instead of Transport Officer regarding which the plaintiff had filed a civil suit for granting him the pay scale of Transport Officer fixed by the HAU which was decreed on 02.04.2002 and the appeal preferred by the HAU was dismissed by the learned Additional District Judge, Hisar and the



appellant/defendant-University released the arrears of pay scale of the post of Transport Officer prevailing in HAU, Hisar. Subsequently, during the pendency of the above said suit, the plaintiff/respondent came to know that the pay scales of Transport officers working in other Departments of Haryana was Rs.2200-4000 till 31.12.1995 which was revised to Rs.8000-13500 with effect from 01.01.1996 and therefore, he moved a representation to the defendant/appellant-University to grant him the revised pay scale but in vain and hence, he has filed the suit for declaration on the ground that he is entitled to the same pay scale on the principle of equal pay for equal work.

3. The appellant/defendant contested the suit by filing a written statement raising preliminary objections regarding maintainability. On merits, it was stated that the University has 13 vehicles supervised by the respondent/plaintiff, while 85 other vehicles are managed by different departments, including 19 outstations, that are not under the respondent's control. The Health Department, Haryana, manages over 5000 vehicles under its Transport Officer, making the respondent ineligible for the same pay scale as the Transport Officer in the Health Department due to differences in qualifications and responsibilities.

4. On the basis of pleadings, the learned trial Court framed as many as seven issues including relief. Parties led their respective evidence and on appreciation of the evidence, the learned trial Court decreed the suit filed by the respondent/plaintiff vide judgment and decree dated 30.08.2006. The appellant/defendant preferred an appeal against the judgment passed by the learned trial Court which was partly allowed vide judgment and decree dated 21.01.2009. The same is under challenge in the instant regular second appeal.



5. Learned counsel for the appellant/defendant has assailed the concurrent finding recorded by the learned trial Court as well as the lower Appellate Court by raising three fold arguments that the respondent/plaintiff has earlier also instituted one suit and as such, in view of the provisions contained under Order 2 Rule 2, the civil suit filed by the appellant/defendant would be hit by *resjudicata*. He further contends that equivalency cannot be given to the respondent/plaintiff on account of difference in academic qualification and further he submits that the quantum of work is entirely different and lastly, both the Courts below have misread the decision of the Finance Committee of the appellant-University held on 30.05.1980 and refers to para 15 of the judgment passed by the learned trial Court and submits that the proposal to grant equivalency in pay scale with State Government employees was not approved and he relies upon the judgments of the Hon'ble Supreme Court passed in 'State of Haryana and others Vs. Jasmer Singh and others' 1997 AIR SC 1788 and 'Mewa Ram Kanojia Vs. All India Institute of Medical Sciences and others' 1989 AIR SC 1296

6. Per contra, learned counsel for the respondent/plaintiff submits that the first argument of the appellant/defendant with regard to *resjudicata* is not sustainable. The present civil suit was instituted on 09.10.2003 on the basis of the revised pay scales of Transport Officers working in the State of Haryana and he further controverts the arguments of learned counsel for the appellant/defendant that the nature of work is similar and as such, the respondent/plaintiff is entitled to the equivalence in pay scale.

7. In view of the judgments passed by the Hon'ble Supreme Court in 'Pankaj Bakshi (Dead) through Legal Representatives and others Vs. Chandrika and others' (2016) 6 SCC 157, 'Randhir Kaur Vs. Prithvi Pal Singh



*and others*' (2019) 17 SCC 71 and '*Gurbachan Singh (dead) through LRs Vs. Gurcharan Singh (dead) through LRs and others*', questions of law are not required to be framed in second appeal before the Punjab and Haryana High Court whose jurisdiction is circumscribed by provisions of Section 41 of the Punjab Act.

8. Having heard learned counsel for the parties, it transpires that the main bone of contention between the appellant/defendant and the respondent/plaintiff is the rejection of the proposal to grant equivalency to the non-teaching employees of the appellant/defendant-University with similarly situated employees working in the Government of Haryana by the Finance Committee in its meeting held on 30.05.1980 as reproduced in para 15 of the judgment passed by the learned trial Court. The learned counsel for the appellant/defendant has vehemently argued that both the Courts below have misread the minutes of the aforementioned meeting rather the meeting has categorically rejected the aforementioned proposal to grant equivalency, as such, the present appeal merits acceptance.

9. The aforementioned argument advanced by learned counsel for the appellant/defendant is required to be rejected in view of the decision of the high powered coordination committee held on 28.04.1987 which was duly proved on record as Ex.P-5. According to the aforementioned decision, the equivalency of the pay scale/grades of non-teaching employees of the appellant-University was to be given at par with the employees of the Haryana Government and the respondent is admittedly, one of the non-teaching employees of the appellant-University and he has the right to be treated equal to that of all the employees of his designation in the Government of Haryana in terms of the aforementioned decision. As such, both the Courts below have rightly



concluded that the respondent/plaintiff is entitled to the same pay scale being paid to the corresponding designation in the Department of Haryana. The same was also proved as Ex.P-6. Further, the judgments relied upon by counsel for the appellant are not applicable to the facts and circumstances of the present case.

10. Consequently, this Court does not find any illegality and perversity in the judgments and decrees rendered by both the Courts below, which are based upon correct appreciation of facts and law. No ground for interference is made out. Resultantly, the instant regular second appeal stands dismissed.

(HARPREET SINGH BRAR)  
JUDGE

29.01.2025  
Neha

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