



**CWP-12860-2015 (O&M) and
CWP-15707-2015 (O&M)**

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

(105)

Date of Decision : 28.04.2026

1. CWP-12860-2015 (O&M)

Ramchet and others

...Petitioners

Versus

State of Punjab and others

...Respondents

2. CWP-15707-2015 (O&M)

Ram Asra and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gurnam Singh, Advocate
for the petitioner(s) in both the cases.

Mr. Amit Kumar Goyal, Addl. AG, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Both the instant writ petitions are amenable to be decided together, as the common issue is involved therein, therefore, with the consent of the parties, the same are taken up together for adjudication.

2. Through the instant writ petition(s), cast under Article 226/227 of the Constitution of India, a prayer is made for issuance of a *mandamus*, upon the respondents, to implement the notification dated 07.04.1980



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(Annexure P-9), issued by the Punjab Govt., and thereby, restraining the respondents, from taking the work from the petitioner(s) on Saturdays.

3. It is not disputed that the petitioner(s) are on distinct cadre and working in the field, and they cannot equate themselves with the staff working in the office. The notification (supra), pertains to the staff, working in the office.

4. It is imperative to note here that the issue involved in the instant writ petitions, is no more *res integra*, as the Division Bench of this Court in ***LPA No.1178 of 2015***, titled '***Nagar Council, Samrala vs. Ram Sanjeevan and others***' decided on 26.04.2016, has already considered the issue, and declined the asked for relief. The relevant paragraphs are extracted hereinafter :-

“7. It is not in dispute that the respondent-workmen are working in the field. The plea of discrimination can be raised only amongst equals. Once none of the category of employees, to which the petitioners belong, are working in the office enjoying Saturday as a holiday, the petitioners cannot be granted extra wages for working on Saturdays as all the employees in the cadre of the petitioners are working for six days in a week. The issue involved in the present appeals was considered in detail by this court in Balbir Singh's case (supra), wherein while referring to earlier judgments on the issue, following findings were recorded:

“After hearing learned counsel for the parties and perusing the record, we are of the view that the plea of discrimination as envisaged by Articles 14 and 16(1) of the Constitution can be successfully pleaded only when the discrimination is practised amongst the equals. In other words the plea of discrimination cannot be set up by



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those employees who belong to entirely a different cadre and are governed by different sets of rules. There is a serious challenge thrown to the doctrine of equality in the present time when two un-equals are sought to be projected for an equal treatment by raising the bogey of discrimination. Even equals can be treated differently if there is a valid classification as envisaged by Articles 14 and 16(1) of the Constitution. In that regard, reference may be made to the judgments of the Supreme Court in the cases of Prem Chand Somchand Shah v. Union of India, (1991) 2 SCC 48, Reserve Bank of India v. Peerless General Finance and Investment Co. Ltd., (1996) 1 SCC 642 and the judgment of the Constitution Bench in the case of Bennett Coleman & Co. v. Union of India, (1972) 2 SCC 788.

In the present case, no member of the cadre belonging to the petitioners has ever been granted the benefit of holidays on Saturdays or Sundays and comparison is sought to be made between the nontechnical staff, which is devoted to the office work and the petitioners are deputed on duty in the field. The matter is no longer res-integra. A Division Bench of this Court reviewing its earlier decision rendered in C.W.P. No. 647 of 2003 on 16.1.2003, accepting RA No. 110 of 2003, decided on 11.3.2003, has come to the following conclusion:

“The question to be determined in the instant case is whether the petitioners are entitled to extra wages for working on Saturdays. The petitioners in the present case are employees of the Punjab State Electricity Board. They are holding posts of Junior Engineer, Assistant Junior Engineer, Lineman, Assistant Lineman, Driver, Chowkidar, Regular T Mate, Work-charged, T mate, Sub Station attendant, Foreman etc. It is contended by the learned counsel for the petitioners that all the petitioners



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have been posted in the field where they are required to discharge duties even on Saturdays, whereas the employees working in the offices of the Punjab State Electricity Board do not work on Saturdays. It is, therefore, submitted on the basis of the decision rendered by the Hon'ble Supreme Court (noticed above) that extra wages should be paid to the petitioners.

There is no doubt that the petitioners in the present case render duties for six working days in every week, but there is no parity in the controversy in the present case with that of the decision rendered by the Apex Court (noticed above). The posts occupied by the petitioners are only in the field. There is no such that posts (as is held by the petitioners) in any of the offices of the Punjab State Electricity Board. The pleadings of the present case also do not reveal that any person belonging to the cadres to which the petitioners belonging are discharging duties for a period of five working days and week or are not required to work on Saturdays like the petitioners. The basis in granting relief to the appellants before the Apex Court, in the decision (Notice above) was that persons from the some (same?) cadre borne on the same seniority list working for six days in a week, were being granted the same emoluments as those who had to render duties for only five working days a week. In order (other?) words no benefit was being given to the employees for working for an additional 52 working Saturdays per year. The aforesaid position does not exist in the present case. In the present case, it cannot be said that there is an arbitrary determination of a wages payable to the persons belonging to the same cadre. It is not the grievance of the petitioners, in the present case, that a person similarly situated as the petitioners working for lesser number of days is drawing the same emoluments as the petitioners.



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For the reasons recorded above, we find that there is no parity in the controversy raised in the present case with that which arose for consideration before the Apex Court.”

It is, thus, evident that the view taken by the Supreme Court in the case of Municipal Employees Union (supra) has no application to the facts of the present case. We have failed to discover the so called discrimination, which is sought to projected in the present case. The petitioners belong to the field staff and cannot seek parity with the office staff and, therefore, they cannot seek equal treatment with the unequal. Therefore, we do not find any legal justification to accept the claim made by the petitioners. For the reasons stated above this petition fails and the same is dismissed.”

8. If the aforesaid principles of law are applied in the case of the respondent-workmen, the only conclusion which can be reached is that the they are not entitled to the relief prayed for, for the reason that none of the employees in the cadre of the respondent-workmen are working in the office enjoying Saturday as a holiday. As the respondent-workmen are not employees working in the office, rather they are working as Beldar, Fitter and Mali in the field, hence, the judgment in Municipal Employees Union (supra) has no application to the facts of the present case. The respondent workmen cannot equate themselves with the staff working in the office. They belong to the field staff, hence, the plea of discrimination is totally misconceived.

For the reasons mentioned above, the present appeals are allowed. The judgment of the learned Single Judge is set aside.”

5. *Pari materia*, the Division Bench of this Court in **LPA No.913**



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Horticulture, PWD (B&R), Ludhiana and others' decided on 24.07.2019, has taken the similar view as the petitioner therein, has failed to point out any service regulations, requiring the field staff to work for five days only, in a week. The relevant paragraphs are extracted hereinafter :-

“4. Learned Single Judge finding that the notification issued by the Punjab Government with regard to its employees, on which reliance was being made, was applicable only to the office staff or employees working in the office and was not applicable to the employees working in the field. There is no dispute about the fact that the appellant herein was working as a field staff and was claiming parity with the employees who are working in the offices of the State Government. Learned Single Judge also took notice of the fact that no member belonging to the cadre of the workmen was ever granted the benefit of Saturdays and Sundays. Accordingly, since the workmen never worked in the office, as such, they were not required to work only five days a week with two off. Learned Single Judge also placed reliance upon a Division Bench judgment of this Court, rendered in Nagar Council, Samrala v. Ram Sanjeevan and others (LPA No. 1178 of 2015, decided on 26.04.2016), wherein in an identical situation the view taken was that since none of the employees in the cadre of workmen were working in the office, rather they were working in the field, hence, could not equate themselves with the office staff, and, thus, there was no discrimination.

5. We see no reason to take a view different than the one taken by the learned Single Judge while relying upon a Division Bench judgment in the matter of Ram Sanjeevan (supra), which was rendered in identical facts and circumstances. Even during course of arguments, learned counsel for the appellant has failed to point out any rule



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or regulation which requires him to work only for five days in a week. Likewise, he also failed to demonstrate that his cadre can be equated with the office staff. Thus, there is no infirmity in the view taken by the learned Single Judge. The notification upon which reliance has been placed by the appellant, is not applicable in his case.”

6. In the instant writ petitions, the petitioner(s) have failed to point out any service conditions, requiring the field staff to work for five days only, in a week. Therefore, in view of the judgments (supra), the claim of the petitioner(s), is **declined**.

7. Consequently, the instant writ petitions are **dismissed**.

8. Pending applications, if any, stands disposed of accordingly.

9. Photocopy of this order be placed on the connected case file, as numbered above.

**(KULDEEP TIWARI)
JUDGE**

April 28, 2026
Manpreet

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